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REGULATE THE TRANSPORTATION, SALE, AND
HANDLING OF DOGS AND CATS USED FOR
RESEARCH AND EXPERIMENTATION. +3 a

3a
HEARING

BEFORE THE

SUBCOMMITTEE ON LIVESTOCK AND
FEED GRAINS... +3 b

2a
OF THE

COMMITTEE ON AGRICULTURE //
HOUSE OF REPRESENTATIVES

3b
EIGHTY-NINTH CONGRESS,

FIRST SESSION,

ON

H.R. 9743, H.R. 9750, H.R. 9869, H.R. 9875, H.R. 10197,
H.R. 10358, H.R. 10680, H.R. 10743, and H.R. 10745. +3 c

SEPTEMBER 2, 1965

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Serial R //

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REGULATE THE TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS USED FOR RESEARCH AND EXPERIMENTATION

THURSDAY, SEPTEMBER 2, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LIVESTOCK AND FEED GRAINS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1302, Longworth House Office Building, the Honorable W. R. Poage (chairman of the subcommittee) presiding.

Present: Representatives Poage, Purcell, Olson, Bandstra, Callan, Dague, Quie, and Mrs. May.

Also present: Christine S. Gallagher, clerk; Hyde H. Murray, assistant clerk; and Fowler West, staff.

Mr. POAGE. The subcommittee will please come to order.

I have told everybody who has talked to me about this hearing that so far as I am concerned, we will try to divide the time, to get the different viewpoints. We will meet this morning. I do not know whether we can meet later this afternoon, but we will limit the time of the witnesses this morning. And then at later hearings, there may be an opportunity to go into some of these things in more depth than we can this morning, if later hearings are held, but I think the only fair thing to do this morning is, as I have already stated, limit the time of the witnesses.

We have not more than 55 minutes for each side in which to do this. We are already about 5 minutes behind time. We have no more than 55 minutes for each side.

We will hear from Mr. Resnick, the author of at least one of the bills which are before us, the bill on which the hearing was called, and then we are going to hear the proponents and the opponents. I presume it will be wise to alternate the proponents and the opponents, limiting them to 5 minutes each. I shall simply go down the list that the clerk has prepared here in the order in which it has been prepared. I, personally, do not know how you did it.

Mrs. GALLAGHER (clerk). The way they were called in.

Mr. POAGE. The order in which they called in and asked for time.

We will start with our colleague, Mr. Resnick of New York, who introduced H.R. 9743. We recognize him at this time.

(H.R. 9750 by Mr. Pepper, H.R. 9869 by Mr. Helstoski, H.R. 9875 by Mr. Wolff, H.R. 10197 by Mr. Joelson, H.R. 10358 by Mr. Minish, H.R. 10680 by Mr. Morse, H.R. 10743 by Mr. Helstoski, and H.R. 10745 are all similar or identical to H.R. 9743 by Mr. Resnick, the text of which follows:)

[H. R. 9743, 89th Cong., 1st sess.]

A BILL To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

(d) The term "cat" means any live domestic cat (*Felis catus*) for use or intended to be used for research, tests, or experiments at research facilities.

(e) The term "dog" means any live dog of the species *Canis familiaris* for use or intended to be used for research, tests or experiments at research facilities.

(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports such animals or certain of such animals in commerce or (2) receives any funds from the United States or any agency or instrumentality thereof to finance its operations by means of grants, loans, or otherwise.

(g) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce for research purposes.

SEC. 3. It shall be unlawful for any research facility to purchase or transport dogs or cats in commerce unless and until such research facility shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act.

SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

SEC. 5. The Secretary is authorized to promulgate standards to govern the handling and transportation of dogs and cats by dealers and research facilities, to promote their health, well-being, and safety: *Provided, however,* That this authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation.

SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be marked or identified in such manner as the Secretary may prescribe.

SEC. 7. Research facilities and dealers shall make and keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats, as the Secretary may prescribe.

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 9. No dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal.

SEC. 10. Dogs and cats shall not be offered for sale or sold in commerce or to a research facility at public auction or by weight; or purchased in commerce or by a research facility at public auction or by weight. No research facility shall purchase any dogs or cats except from a licensed dealer.

SEC. 11. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 12. Any person who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than \$10,000.

SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such research facility or dealer as well as of such individual.

SEC. 14. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary may suspend such dealer's license temporarily, and, after notice and opportunity for hearing, may revoke such license if such violation is determined to have occurred.

SEC. 15. If any provision of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 16. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued to research facilities and dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 17. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after enactment.

Mr. POAGE. We will now hear from you, Mr. Resnick.

STATEMENT OF HON. JOSEPH Y. RESNICK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RESNICK. Thank you, Mr. Chairman.

Before I start my statement, I would like to point out that Senator Clark indicated that he might want to testify in person. I thought that I would make you aware of that.

Mr. Chairman, first let me thank you for the privilege of appearing before this distinguished committee and for the speed with which this hearing was held. It is my purpose here this morning to bring to the attention of the committee details of a sordid criminal activity that is not generally known, that takes a frightful toll in human heartache, and that—strange as it may seem—is largely financed by the American taxpayer. I am referring to the large-scale theft of household pets, dogs and cats, which are transported over great distances by a highly developed distribution network, often passing through the hands of several dealers, and which eventually are sold to research laboratories and hospitals. Most of these laboratories receive Federal grants and other assistance.

At first glance the theft of dogs and cats from neighborhood yards would appear to be a pennyante business—hardly worth the attention of a congressional committee, and hardly sounding like the kind of activity that would reap huge profits for those engaged in it. But, like in most businesses, profit is determined by the size of the market. And the animal market is immense—considerably larger than most people realize. For example, over 1¼ million dogs and over a half a million cats were used last year at hospitals and research laboratories receiving Federal money. From \$30 to \$50 million was spent by these institutions for these animals. One Federal agency alone, the Poolesville Animal Center of the National Institute of Health, spends well over \$100,000 on cats and dogs. One animal dealer I know of enjoyed sales of over \$750,000 last year. These are not isolated cases. Let there be no question but that this is big business.

Let me stress at this time that I fully support the valuable research work being done by these hospitals and laboratories. Their needs for animals is a legitimate need. There is not a man, woman, or child anywhere in this country who does not enjoy the benefits of this research—research which develops new drugs and operating techniques, which bestows better health and longer life on all of us. I am not an antivivisectionist and the issue of vivisection is nowhere involved in this legislation. Neither is the issue of animal care in the laboratory. This bill is concerned entirely with the theft of dogs and cats, and to a somewhat lesser degree, the indescribably filthy conditions in which they are kept by the dealer.

The market has almost an insatiable appetite for laboratory animals. It is only natural that dealers, by one means or another, often become overeager to satisfy that hunger.

There is overwhelming evidence that a substantial percentage of cats and dogs sold to hospitals and research laboratories are family pets which have been stolen. As the demand has increased, theft has kept pace. There is also substantial evidence to indicate that local communities are powerless to cope with this problem because in many cases local dog wardens are guilty of complicity with those who traffic in stolen animals.

This is not a local problem. Wholesale dog theft occurs in most of our States. There are, however, certain characteristics which are common to this illicit practice no matter where it happens. After they are stolen, the animals are sold as quickly as possible to so-called dealers. They are quickly taken out of town. Tracing them becomes extremely difficult. The animals often change hands several times. In this way, dealers throw potential pursuers off the track. There are no bills of sale in the usually accepted meaning of the term. Dogs are not individually described, they are just listed in bulk, which makes tracing them still more difficult. There is an absence of clear title to the animals. Identifying tags and collars are removed and destroyed. The animals usually are taken to one of a number of animals auctions, where they are sold by the pound. The going rate is now about 30 cents a pound. Puppies go for 10 cents apiece. They are then bought by dealers who sell them to laboratories.

I believe that H.R. 9743 and the companion bills can stop this practice. Each of its sections has been written to deal with a particular aspect of this despicable business. I would, however, like to bring to the attention of the committee two changes that I would suggest in the bill. Section 3 requires that research facilities should be licensed in order to obtain cats and dogs for laboratory use. Upon reflection, however, I feel that the same objectives can be reached by simply declaring it to be unlawful for research laboratories to deal with any but licensed animal dealers. Section 5 should also be changed so that standards governing the handling and transportation of dogs and cats should be set only for dealers. It is not the purpose of this bill to control the handling of animals in the laboratories.

Many animals used by laboratories are already bred for the purpose, such as mice, guinea pigs, and rabbits. Why should dogs and cats be any different? To the best of my knowledge, no dogs or cats are now raised for the laboratories. Under present conditions, a laboratory's purchase order is an invitation for dealers to steal family pets.

This is wrong. Why should this practice be allowed to continue? If dogs and cats are needed, as they most certainly are, let them be bred for the purpose. As a matter of fact, I understand that Mount Sinai Hospital in New York City has just made a decision to do this very thing. I sincerely hope that my information is correct and that other laboratories and hospitals will follow this wonderful example.

Let us face the fact that this bill will raise the cost of dogs and cats used in research and this may well be the basis for some objections to it. But it's immoral to condone theft and to receive stolen property for any reason. Certainly this wealthy Nation can afford to conduct its medical research without causing the financial loss and personal anguish that occur under present practices.

Mr. Chairman, I would like, at this time, to remind the members of the committee that there will be an executive session in my office at 2 p.m., this afternoon, to hear the private testimony of a man who is a convicted dog thief, and who will testify about the operation of the pet-stealing racket.

Thank you.

Mr. POAGE. Thank you very much.

Mr. RESNICK. I would like to insert into the record this letter that I wrote to one of the witnesses, under date of August 11.

Mr. POAGE. Without objection, the letter will be inserted into the record at this point.

(The letter dated August 31, 1965, follows:)

AUGUST 31, 1965.

Miss FAY BRISK,
Washington, D.C.

DEAR MISS BRISK: On Thursday, September 2, the Livestock and Feed Grains Subcommittee of the House Committee on Agriculture will hold hearings on H.R. 9743, a bill to stop the widespread theft of household pets are then sold to hospitals and laboratories.

I know that you have done much work in this field. As the author of this bill, and a member of the Agriculture Committee, I would like you to attend these hearings and tell us all you know about these activities obtained. We would like to have any and all information you have gathered, including results of your own investigations, pertinent to this inquiry.

Your cooperation will be most appreciated, and will most certainly be helpful in bringing to the committee an understanding of the problem, and in helping in the development of effective legislation in this field.

I am enclosing a copy of H.R. 9743 which will help outline the scope of the hearings.

The hearings will start at 10 a.m. and will be held in room 1301, Longworth Building.

Yours truly,

JOSEPH Y. RESNICK,
Member of Congress.

Mr. POAGE. Thank you, again, very much. I am advised that the list as prepared is in error. It lists Mrs. Helen Jones as an opponent; and she should be listed as a proponent of this legislation. I do not know whether that means that she will be the first of the proponents or not. I announced a while ago that I am giving both sides an opportunity to be heard, by alternating between the proponents and the opponents. We will now hear an opponent. I do not know who is the first opponent.

Dr. WAKERLIN. Mr. Chairman, if it would please the Chair, I should like to speak first.

Mr. POAGE. Who are you?

Dr. WAKERLIN. I am Dr. George E. Wakerlin. I am listed as third.
Mr. POAGE. Dr. Wakerlin is recognized for 5 minutes.

STATEMENT OF DR. GEORGE E. WAKERLIN, MEDICAL DIRECTOR OF THE AMERICAN HEART ASSOCIATION

Dr. WAKERLIN. Mr. Chairman and members of the committee, I am Dr. George E. Wakerlin, medical director of the American Heart Association. My function today is to represent the National Society for Medical Research, a federation of nearly 1,200 organizations and institutions concerned with the advancement of medical knowledge.

Virtually every national organization in the fields of medicine, biology, and agricultural science is a member of the society. So are a number of national civic and service organizations concerned with public health, among them the American National Red Cross, and the Junior Chamber of Commerce. Recognizing the impossibility of presenting full testimony from each and every one of these groups in the very short time available for this hearing, the groups have arranged for the presentation of simply factual testimony on five aspects of the legislation under consideration today. We hope, of course, for an opportunity to provide more complete testimony if the committee continues to consider this legislation.

First, let me make it clear that we are absolutely opposed to pet stealing, no matter what the circumstances. The NSMR has an 18-year history of work in support of State and local laws which insure that animals used in scientific laboratories are legally procured. These laws also help insure a steady source of supply of laboratory animals by making animals impounded under police authority available to biomedical research rather than being uselessly destroyed.

It is only natural we should feel this way. Universities, medical schools, hospitals, Government laboratories, industrial laboratories and individual scientists who must use animals in the solution of health problems have the biggest stake of anyone in having legitimate and dependable sources.

The last thing in the world they want is misrepresentation, suspicion, and scandal.

Accordingly, there is no conflict between the long-time position of the NSMR and the opposition of H.R. 9743 to pet stealing.

However, do not believe that H.R. 9743 is the proper instrument.

As a brief prelude to citing our specific objections, let me list the three ways in which animals are acquired by scientific institutions.

This is being done now in spite of the comments made by the previous witness.

First, some animals are specifically bred for laboratory use. Usually, these are animals used in research where a minimum of genetic variation is required. The question sometimes is asked: Why not breed all the animals necessary for research purposes? And this is brought out by the proponents of the bill. The answer is cost. A study at Yale University showed that the cost to raise one dog to 1 year of age when it was ready for research programing was \$325. At the University of Minnesota, for example, 9,000 dogs are used each year.

A second source is through local and State pound laws where unclaimed animals which would otherwise be uselessly destroyed are made available for research.

The third source of supply is dealers. This source is used for specific types of animals; to acquire animals where there are no pound laws and unclaimed animals cannot be made available for research; and to supplement the supply of animals when more are needed than can be met through pound law programs.

We regard ineffective or fake cancer cures as cruel frauds to the patient since they prevent more effective treatment. H.R. 9743 and its counterparts might be such a cruel fraud in the legislative arena by complicating the practical problems of legitimate animal supply for health research and teaching. It is unlikely that these already deliberately violating existing larceny laws by indulging in pet stealing will show greater respect for another law.

We have five major reasons for questioning the suitability and effectiveness of H.R. 9743. Each of these points will be expanded upon briefly by authorities who will follow me.

First, the bill does not deal with the total problem. On the one hand, it ignores all but one area of possible pet stealing. On the other hand, it ignores the need for legislation to include adequate legitimate supplies of animals for health studies.

Mr. POAGE. I dislike to cut down the witnesses but we are going to have to limit each of you to the time allotted—to 5 minutes to each witness.

Dr. WAKERLIN. I will ask the next witness to complete my statement, then.

Mr. POAGE. That is all right.

Dr. WAKERLIN. Thank you.

Mr. POAGE. We will now call Congressman Claude Pepper as the next witness for the proponents.

STATEMENT OF HON. CLAUDE PEPPER, REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Mr. Chairman, I particularly appreciate this opportunity to appear before your committee in support of H.R. 9743 and my bill H.R. 9750 which would authorize the regulation of the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, because positive regulatory action on the part of the Federal Government is long overdue.

The Federal Government as the major financial supporter of scientific experimentations has, in effect, subsidized the purchase and encouraged, however unwittingly, the conduct of the unsavory traffic which takes place in stolen pets. This traffic in stolen pets is not only an unsavory business but it can also be a big business insofar as financial returns to dealers are concerned. Witness to the unsavory nature of the traffic in animals for laboratory purposes is the reported observation that 65 percent of all dogs and cats used for medical research are stolen animals.

Mr. Chairman, I maintain that, since the funds for medical and other experimental grants are supplied by the Federal Government, such Government has not only the right but the moral obligation to require that dogs and cats used in laboratory experiments be purchased only through legitimate channels. It is high time that the Federal Government take action for making the practice of pet snatching unlawful.

In order to fully exercise the Federal responsibility in this matter, my bill H.R. 9750 would make it a Federal offense to steal a family pet for the purposes of sale to a laboratory. This proposed legislation would require that all dealers in dogs and cats who supply animals for laboratories be licensed by the U.S. Department of Agriculture. It would require all users of animals for experimental purposes to buy their animals from licensed dealers. In turn, licensed dealers in laboratory animals would be required to maintain set standards for their care. Violators of any provision of this proposed legislation would be subject to imprisonment for not more than 1 year or a fine of not more than \$10,000.

My bill is distinguished from H.R. 9743 and S. 2322 in that it has more teeth, as is indicated by the positive difference in wording in sections 5, 11, and 14.

In section 5, my bill states that the Secretary of Agriculture "shall promulgate standards" rather than "is authorized to promulgate standards" to govern the handling and transporting of dogs and cats by dealers and research facilities, to promote their health, well-being and safety.

In section 11, my bill states that the Secretary "shall promulgate" rather than "is authorized to promulgate" such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this act.

In section 14, my bill states that the Secretary of Agriculture "shall revoke" rather than "may revoke" a dealer's license for any violation of this act which is determined to have occurred.

Mr. Chairman, in summary, H.R. 9750 is designed to put an end to the criminal, but lucrative, practice of traffic in stolen household pets, including cats and dogs, one which has grown fat in a thieves market at the expense and anguish of both young and old. Household pets are lured from their homes and from their loved ones, transported and boarded under indescribably filthy and unsanitary conditions and sold at public auction to dealers for so much a pound. Dealers then retail them to medical research facilities. This is much needed legislation to prevent the theft and transportation of the Nation's family pets and not an antivivisection proposal or one designed to hamper or limit legitimate experimental research. It merits your consideration, and, I trust, your commendation.

Mr. Chairman, at this time, I would like to give my views on some amendments which should be offered to these bills. How much time do I have remaining?

Mr. POAGE. You have about 30 seconds.

Mr. PEPPER. Well, I will leave for the record some suggested amendments, Mr. Chairman, that I think might well be incorporated into whatever bill is reported.

I conclude my statement by saying that I am sure that none of us who are here in support of this legislation in any sense of the word wish to appear as antivivisectionists opposed to legitimate research, but we think that they should be legitimately provided, legitimately obtained, so that they could be used for highly laudable purposes.

I thank you, Mr. Chairman.

Mr. POAGE. Thank you very much, Mr. Pepper.

Mr. PEPPER. I will leave the suggested amendments.

MR. POAGE. Without objection, they will be included in the record at this point.

(The proposed amendments referred to are as follows:)

The purpose of these amendments is to clarify the purpose, scope and intent of the proposed legislation by which animal dealers would be federally licensed. These amendments would be:

Animals.—The limited application of the original bill to dogs and cats would be extended to include other animals as well. Dealers engaged in selling dogs and cats also sell other small animals such as rabbits and guinea pigs and I am sure that you will agree that those animals are no less deserving of humane treatment than dogs and cats.

Licenses.—The original bill calls for licensing of both the dealer selling animals and the laboratories purchasing them, although by specific reference the bill does not apply to the treatment of animals in the laboratories. In other words the effect of the bill ends, except for recordkeeping on purchases, once the animals are delivered to the laboratories. My proposed amendments would therefore limit Federal licenses to the dealers. This, it seems to me, would clarify the fact that this bill does not apply to experimental uses of animals since that is and should be a separate field of legislation. By requiring that laboratories which purchase animals in interstate commerce or which are federally supported buy only from licensed dealers we would accomplish the original intent of the bill and avoid confusion about its jurisdiction.

The sale and the use of animals for experimental purposes are two distinctly different fields which in my opinion cannot be legislated in the same bill.

Humane care.—Section 5 is the key section of the bill. I see no reason to issue Federal licenses to animal dealers unless we insure that such a licensing system will achieve a reform of the inhumane conditions under which animals are acquired, kept, sold, and transported by dealers. Those conditions have caused nationwide concern and indignation and have brought a strong public demand for control and reform of the dealers who cause suffering in animals and concern and grief to animal owners whose lost animals are never recovered.

An amendment to section 5 would require the Secretary to promulgate clearly defined standards which dealers would have to meet to be eligible for a Federal license. These humane standards are the very least that a civilized people can offer to the millions of animals acquired, sold, and transported for research purposes every year in this country. Moreover, humane treatment would encompass the well-being, health, and safety which are mentioned in the bill as originally introduced.

Inspection.—An amendment to section 11 calls for inspection of dealers' facilities and transportation. Without inspection, a Federal licensing system will be ineffective in protecting animals and insuring compliance with the act.

In the Federal licensing of animal dealers which is proposed in the legislation before this committee we shall take a major step toward the humane treatment of animals which is a moral obligation of civilized society. We are far behind other nations in our laws for the protection of animals. And yet the numbers of animals we use in our country and the intensity of suffering often inflicted in those uses exceed those of numerous other nations. It is time for us to improve the record and to legislate against the abuse of animals.

I am sure you will agree that if we can begin a reform of the conditions under which dealers handle and transport animals which have caused such national outrage we shall take a worthwhile legislative step, which is in the public interest.

If, however, we try to achieve reform of two distinctly different fields in one bill, we will risk serious delay in enacting any legislation. There is wide agreement among the public, the press, the animal welfare organizations and members of the Congress that animal dealers must be regulated and reformed. There is basic agreement on how that can be achieved. Thus it seems reasonable to proceed to legislate on the subject on which there is such notable agreement.

The type of legislation needed to regulate the use of animals in laboratories, on the other hand, is not a subject on which there is such agreement. I truly believe that any bill that relates to both dealers and laboratories will delay legislative action.

The amendments which I propose to the dealer bill would clarify its purpose and jurisdiction, avoid confusion with the use of animals in laboratories which use them, because of its relative complexity, must be a subject of separate legislation and would require the humane treatment for animals in the hands of dealers and in transportation which the people of our country want.

I earnestly hope that the committee will report the bill in the amended form which I propose.

Mr. POAGE. We will now hear Dr. Roger D. Estep.

**STATEMENT OF DR. ROGER D. ESTEP, PRESIDENT, NATIONAL
CAPITAL AREA BRANCH, ANIMAL CARE PANEL**

Dr. ESTEP. Mr. Chairman and members, I am here today as president of the National Capital Area Branch, Animal Care Panel.

First, I wish to continue Dr. Wakerlin's statement:

Second, the bill is discriminatory in that it makes dog and cat stealing a Federal offense only when it is done by certain people. I might add that the scientific community feels unjustly stigmatized by the way this bill and publicity surrounding it relates pet stealing only to research needs. Ironically, these statements discriminate against the very group of citizens that has done more to assure legitimate animal supply than any other. In propaganda circles, this technique is known as making your opponent seem to be on the side of injustice.

Third, we see this bill as a part of a larger pattern of proposed legislation which would hamper health studies. Many people and groups who have opposed establishment of State and local pound laws wherever the matter has come up for legislative discussion, are supporters of H.R. 9743.

Fourth, State and Federal laws already cover larceny and transport of stolen property across State lines.

And fifth, the full truth has not been told about some of the charges and incidents now being used as evidence that this type of legislation is necessary. In our judgment, this committee should have every detail of these incidents, not just those which have been used to support one point of view. We intend to bring other details to your attention.

Mr. Chairman, I hope you will call upon other representatives of the National Society for Medical Research and affiliated organizations who have concern about H.R. 9743, and who are prepared to amplify a number of points I have made or submit prepared statements for the record.

Thank you.

That ends Dr. Wakerlin's statement, Mr. Chairman.

Now, I wish to read my own statement for the National Capital Area Branch, Animal Care Panel.

The National Capital Area Branch, Animal Care Panel is categorically opposed to theft. We believe that theft of pets is currently illegal, whether for resale to medical institutions, for hunting or any other purpose. It is our sincere conviction that an effective deterrent requires indictment and appropriate legal prosecution under local, State, or Federal laws.

Therefore, Federal legislation which addresses itself to the theft of pets claimed or alleged to be used in research institutions, is discriminatory and thereby unconstitutional.

It is doubtful that the question proposed in the preamble of H.R. 9643; namely pet stealing, exists as an authenticated national problem. We can categorically state, that in Metropolitan Washington, theft of dogs and cats does not warrant legislation proposed in H.R. 9743.

During 1964 in Prince Georges County, Md., over 13,000 dogs and cats were put to sleep in the county pound. An additional 1,000 were picked up dead from county highways and streets. The highest incidence of losses of dogs and cats was reported as corresponding with the hunting season (September–November). Larceny in Prince Georges County, Md., during 1964 totaled 873 cases of which only 2 cases were suspected dog thefts. One could surmise that the basic

problem is negligence rather than theft. Such statistics may serve as an indicator of the national situation.

Similar statistics on dogs and cats impounded can be cited for Montgomery County, Md., and the District of Columbia.

H.R. 9753 is further objectionable because:

1. Sections 3 and 5 regulate the end user and the care of animals within research institutions; this is clearly not related to pet stealing.

2. Section 9 imposes additional stress on the health of animals, especially if more than one dealer is involved in the sale of a given animal, by requiring that they be held for five business days.

3. Section 10, without regard for the origin of the animal, would restrict the supply of necessary research animals since it extends beyond considerations of stolen dogs and cats.

4. No provisions are made for reinstating revoked or suspended licenses.

From the above citations, the stated purpose of the bill, namely the prevention of theft of pets, takes a secondary or almost nonexistent role to provisions which do more to regulate the supply of dogs and cats available for research than to prevent theft of pets.

Therefore, consideration by Congress of positive legislation, which would facilitate the advancement of laboratory animal care, should and must take priority over congressional considerations which would create a false assurance on the part of Congress that it has addressed itself to the true problems of laboratory animal care in the United States, which can be found on pages 328-331 in the "Report to the President by the Commission on Heart, Strokes, and Cancer." Humane groups sincerely interested in the advancement of laboratory animal care would be well advised if they relaxed their pressures on Congress so that meaningful, constructive legislation could be brought before Congress.

Mr. POAGE. Thank you, Dr. Estep.

We are very much obliged to you.

Senator Clark is with us.

We will be delighted to have you appear, Senator Clark.

We are operating under very stringent rules, 5 minutes being the limit.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Mr. Chairman and members, I appreciate your courtesy in hearing me this morning, and with your permission I will introduce for the record my statement.

Mr. POAGE. That may be included in the record, at this point.

(The prepared statement submitted by Senator Clark reads in full as follows:)

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I wish to wholeheartedly support enactment of H.R. 9743, the animal abduction bill now before you for consideration. I have introduced an identical bill, S. 2322, in the Senate, along with Senator Warren Magnuson.

The need for legislation in this area is amply demonstrated by the huge volume of mail my colleagues and I have received and continue to receive from individual

citizens and groups, expressing their concern over the widespread abduction of pets to be used in scientific research.

The necessity for Federal control of the commerce in pets is made abundantly clear by the widely publicized and terribly sad *Lakavage* case, in which a cherished Dalmatian dog, the Lakavage family pet for many years, was abducted from the backyard of the family home in Slatington, Pa., and taken to New York State where she died on the operating table of a New York City hospital. The futile search by the family for the dog is really a heartbreaking story. The dog was clearly a victim of the black market in animals to be used for experimentation.

This black market in animals is not an insignificant commercial enterprise. In my own State of Pennsylvania one animal dealer is reputed to have earned a net of \$700,000 in 1 year's operation by supplying animals to scientific laboratories. It is estimated that 60 percent of all animals used by scientists are stolen. There is every reason to believe that the black market in animals is an interstate enterprise. In the *Lakavage* case, the dog was stolen in Pennsylvania, passed through New Jersey and finally met its death in New York.

Gentlemen, if it is a Federal crime to transport stolen automobiles and cattle across State boundaries, should it not be a Federal crime to transport stolen dogs and cats across these boundaries? In an attempt to keep abreast of the ever-growing need of scientists for experimental animals, commercial dealers have resorted to inhumane and illegal methods of obtaining their inventories. The Federal Government must now, through legislation, put a stop to these reprehensible practices.

It is ironic that the Federal Government, as the major supporter of scientific experimentation, in a very real sense subsidizes the purchase and encourages the traffic in stolen pets. Mr. Chairman, if the funds for experimental grants come from the Federal Government, surely the Federal Government has not only the right, but the obligation, to require that dogs and cats used in laboratory experiments be purchased through legitimate means. Only a naive, irresponsible, or indifferent scientist could be led to believe that a well-cared-for Dalmation is a stray mongrel that has been caught by a dogcatcher's net and subsequently disposed of in a laboratory as unwanted or unsought for. Let the Federal Government cease to be a party, wittingly or unwittingly, to this unlawful practice of pet snatching.

The heartlessness of pet stealing is compounded by the ruthlessness prevailing in the care and transportation of animals from the commercial dealers' auction rooms to the laboratory. Dogs are packed in filthy pens, sold in job lots or by the pound, transported in foul trucks, often dying in transit from the auction to the lab.

In our society, we place great weight on human values. The family pet in many ways is a true member of the family. By showing concern for the place of the pet in family life we reemphasize the values which we profess.

We are a civilized people. We hold humane values. We have become aware of the callous disregard of these values by a small but active group of animal dealers.

You are now holding hearings on a bill which we hope will result in the Congress giving it a high place on the agenda of necessary legislation. We have, at last, faced up to the need of the Congress to regulate the sale and handling of animals to be used in scientific experimentation.

Mr. Chairman, I believe that this bill, H.R. 9743, does deal with the problems and abuses currently found in the commercial animal field. The bill provides for the regulation of the commerce in dogs and cats to be used for experimental purposes. Enactment of this bill would make it a Federal offense to steal a family pet for sale to a laboratory. All dealers in dogs and cats who are engaged in selling animals to laboratories would be required to be licensed by the U.S. Department of Agriculture. All users of animals for experimentation would be required to buy those animals from licensed dealers. Dealers in laboratory animals would be required to maintain set standards of care. Finally, violation of these regulations would carry a penalty of \$10,000 fine and 1 year in prison. These provisions are in consonance with our standards of humane treatment.

I have gotten a few letters from medical scientists, calling this measure an antivivisectionist measure. There is nothing in this legislation which in any way interferes with the use of dogs and cats for scientific purposes. Indeed, we all recognize that experimentation with animals has furthered our scientific knowledge. Let me now assure the scientific community that this is not an antivivisection measure. It is a bill intended to put an end to the illegal and inhumane practice of procuring dogs and cats for medical experiments by stealing family pets.

The commercial animal dealers oppose this legislation because they know that upon its passage they will be forced to comply with its humane provisions or face prosecution.

I ask for a tough law to punish these thieves who make a living out of the misery of others. I ask that, after adequate hearings, your committee will report the bill out so that action may be taken on it. Let us make dognapping—and catnapping too—a crime.

Senator CLARK. There is a bill in the Senate which is identical with the present bill which you have before you in your hearings this morning. That is S. 2322, cosponsored by Senator Magnuson, chairman of the Senate Interstate and Foreign Commerce Committee, and myself.

We were outraged by the recent disclosure of the stealing of animals on a widespread basis.

I could not disagree more with the very charming gentleman who testified concerning his views that there is no need for this kind of legislation. This black market in animals is not insignificant as a commercial enterprise. In my own State of Pennsylvania it is reputed to have earned for one dealer a net income of \$700,000 in 1 year's operation by supplying animals to scientific laboratories. It is estimated that 60 percent of all animals used by scientists are stolen. There is every reason to believe that the black market in animals is an interstate enterprise. In the *Lakavage* case, the dog was stolen in Pennsylvania, passed through New Jersey, and finally met its death in New York.

All of this goes to the interstate commerce aspects. I have the assurance of Senator Magnuson that he will have hearings on it in due time, possibly not until next year.

I have received an enormous amount of mail on this matter. And I know that the public in Pennsylvania is very much aroused by the stealing of pets.

I want to commend Congressman Resnick and Congressman Matsunaga, among others, for the introduction of the bills on the House side.

This is a very much larger problem, however, than the stealing of pets to whom their owners are devoted.

For several years, I have introduced on the Senate side, with the cosponsorship of Senator Bartlett, Senator Harry Byrd of Virginia, Senator Muskie, as well as Senator Young, a bill which would in effect establish a Federal system not unlike that which has been in effect in the United Kingdom ever since 1876 which provides for the licensing of institutions that supply these animals for research. It could be individuals or corporations who supply these animals to hospitals, scientific research institutions, and the like. It seems to me that there is a very real need for legislation to protect these pets, as well as to provide these splendid people, scientists and doctors, who, in the interest of science, are using thousands of animals every year for their scientific purposes. My position is not against that. I agree with this kind of experimentation. It is necessary.

What we deal with in this bill today is the symptom and not the cause. The cause is the callousness on the part of some people toward these animals in connection with their treatment, from the time they are first collected, for the purpose of putting them to death in research. In my opinion, we are callous in our attitude toward this whole problem, if we do not see to it that these animals are treated with adequate

consideration and with an understanding and some sense of compassion when they make their contribution to science, and that they do it without unnecessary pain.

Thank you.

Mr. POAGE. Thank you very much. We appreciate having had you here.

The rules of the House are in effect in the committee, and they prohibit demonstrations on the part of any of our visitors. I will have to admonish you that the rules strictly prohibit visitors from expressing either approval or disapproval. While I realize that you cannot be charged with a knowledge of the rules, you are, however, now advised of the rules, and the Chair will clear the floor if it occurs again.

The next witness will be an opponent, Dr. Walter Hess, of Georgetown University.

STATEMENT OF DR. WALTER C. HESS, EMERITUS DEAN, MEDICAL SCHOOL, GEORGETOWN UNIVERSITY

Dr. HESS. Mr. Chairman and members, I am Dr. Walter C. Hess. I am emeritus dean in the Medical School at Georgetown University, and presently acting administrator for that school.

The statement that I have is one that has been prepared by the three local medical schools through their deans. These three schools are George Washington School of Medicine, Georgetown University School of Medicine, and Howard University College of Medicine. Part of this statement consists of policies on purchasing experimental animals at the Georgetown University School of Medicine. The other two schools subscribe to the statement and abide by its principles.

These seven items which are in the statement represent the present purchasing policies at George Washington and Georgetown and Howard College.

Specifically, they are the ones that are from the handbook for our research people at the Georgetown University School of Medicine:

1. All animals used for experimental purposes must be purchased. No animals are accepted as gifts from individuals nor are they purchased from individuals. Animals may be purchased from the District of Columbia pound. Animals may be purchased from established animal breeders or suppliers.

2. All purchases of animals must be made through the Georgetown University purchasing department and in accordance with its regulations. All purchases must be approved by the director of the animal care facility. He will determine that adequate space is available for animal housing before approval.

I might add that the director of our animal facility is a licensed veterinarian.

3. Animals must be received in good health, free of clinical signs or symptoms of infections, contagious, communicable, or parasitic diseases.

4. Pregnant animals, unless specified, will not be accepted.

5. Inspection and acceptance will be made at destination at the time of arrival.

6. The university reserves the right to inspect facilities of suppliers periodically for evaluation of management practices, housing facilities, and principles of care.

7. Since the facility purchases animals from the District of Columbia pound it is subject to inspection and approval by the District of Columbia Health Department.

We submit further that we abide by the policy statement on animal care issued by the Public Health Service, Department of Health, Education, and Welfare. This is on page 68 of the grants manual. Included is the following statement:

Animals should be acquired, retained, and used in compliance with applicable State and local laws and regulations.

In the District of Columbia, we operate under inspection and license of the Department of Health. It is our position that we operate under sufficient governmental control, our suppliers are aware of these controls, and that no further legislation is necessary or desirable.

I might state this is signed by Robert S. Jason, M.D., dean, College, of Medicine, Howard University; Angus M. Griffin, M.D., associate, dean, School of Medicine, the George Washington University; and John C. Rose, M.D., dean, School of Medicine, Georgetown University.

Thank you, Mr. Chairman.

Mr. POAGE. Thank you very much.

We will now hear from Congressman Wolff. Is he present?

He is not here.

Mr. RESNICK. He asked to submit a statement for the record.

Mr. POAGE. Without objection, his statement will be included in the record, at this point.

(The statement of Hon. Lester L. Wolff follows:)

STATEMENT OF HON. LESTER L. WOLFF, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW YORK

Mr. Chairman, I am cosponsoring H.R. 9743 for the simple reason that it should bring to a sudden end the operation of a cruel and vicious practice. There exists an organized racket to steal family pets, transport and board them in filthy and unhealthy conditions, and sell them at auction to dealers who then retail them to institutions for medical research—a system which causes untold heartache to bereaved owners as well as misery and destruction to their pets.

I am convinced that a great number of the pets which we think were lost have actually been stolen by these heartless thieves.

Anyone with humane feelings must support this bill which attempts to eliminate unwarranted suffering of pets and those who love them. It is bad enough to lose one's beloved pet. It is even worse to think he may be suffering cruel treatment and eventual death.

Let me point out once more that this bill has nothing whatever to do with antivivisectionism. Research carried on in our hospitals is of great importance to us all and an absolutely vital component in the conquering of disease. However, our hospitals should be able to obtain experimental animals, legally bred and sold to them rather than animals whose procurement harms the pet lover and rewards the criminal.

I would also like to strongly urge the adoption, in connection with this bill, of the amendments suggested by the National Catholic Society for Animal Welfare, as I believe these amendments strengthen this legislation.

Mr. POAGE. Congressman Matsunaga is not present, I notice. Does he have a statement?

Mr. RESNICK. I do not know of any.

Mr. POAGE. If he so desires, he may later incorporate one in the record.

(The statement referred to follows:)

STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF HAWAII

Mr. Chairman and members of the subcommittee, I thank you for this opportunity of appearing before you and expressing my views with respect to H.R. 10745, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, which, along with other identical or similar bills, is now under consideration by this subcommittee.

My reaction upon first learning of the nature and extent of the traffic in stolen family pets which are used for medical research was one of disbelief and anger. Perhaps because of the limitations and restrictions which Hawaii's unique geographical position would impose on such illegal traffic in animals, I am not aware that the problem exists in the island State at the present time. Consequently, my shock was all the greater when I first became aware of this dastardly practice in the continental United States. Considering how attached one can become to a pet dog or cat, their thievery may be equated to kidnapping of a child in some households.

My sympathies and those of many of my constituents go to the owners of pets which fall prey to these unscrupulous thieves. I introduced H.R. 10745, which is identical to Congressman Resnick's bill, H.R. 9743, because I wanted to join the supporters of a proposed Federal law which would put an end to the illegal transportation and sale of stolen dogs and cats.

H.R. 10745 proposes to do this simply by the licensing method and to give the Secretary of Agriculture the authority to issue the licenses.

The licensees would fall into two principal classes:

1. Research facilities which purchase or transport dogs or cats in commerce; and
2. Dealers who buy or sell dogs or cats for use by such research facilities.

No attempt is made in the proposed legislation to have the Secretary establish standards for the handling of these animals during the actual research or experimentation. This is not a measure to limit or hamper research, nor is it an antivivisectionist proposal. It is intended to do nothing more than to stop what one newspaper editorial aptly describes as a "filthy business."

Mr. Chairman and member of the subcommittee, I urge that H.R. 10745, or in lieu thereof a bill with substantially the same provisions, be reported favorably by this subcommittee.

Thank you very much.

Mr. POAGE. We will next hear from Sheriff Mark Bodine of Monroe City, Mo.

STATEMENT OF SHERIFF MARK BODINE, MONROE CITY, MO.

Mr. BODINE. Mr. Chairman and members, I am Mark Bodine from northeast Missouri, from a county currently known as Monroe County, where I have been its sheriff and served in other law enforcement there for the past 24 years. I have had numerous complaints about one particular party in the county which we investigated. With one of my deputies, we went out there, and we found what is currently known as a horse trailer that was made double deck which contained dogs, about as many as they could cram in, which was parked about a mile beyond the road, back in the woods, which had been found by a squirrel hunter.

My deputy went out and made the investigation, and he found that this was a very hot day, and there were dogs on top of dogs that were dead, and there were pans of water but, because of the dogs being on top of the dogs, they could not get to them. And this

equipment that they were in was all enclosed, all but the rear end, which was wire mesh, at the rear end of it. One dog in particular was crammed up into one corner with his teeth hanging in the wire. So there was no room for him to get around.

Myself and my deputy went back to town to make a complaint, to get the county physician informed, to show him, and to get him to come out there and see it. We could not express in words the condition, nor could we understand that animals or dogs were treated like this.

The prosecuting attorney and a few others saw this. They saw the dogs on top of the dogs.

We immediately ordered this fellow to take these dogs out of the trailer and to tie them out among the trees so that they could get some air, and give them some food.

The dogs were crammed in this trailer, and they estimated that there were 120 dogs in the trailer. The dogs could not get anything to eat in the rear, at the rear end.

Approximately 20, 30, or 40 feet away there was a pile of dead dogs 4 or 5 feet high; there were about 50 or 60 or so in this pile. And in another hollow not too far away from there, we found where a number of dogs had been killed or had died, and they had been partially burned, and there were the remaining bones and skeletons and hides there.

We got this party into court—tried to get a prosecution on him on the basis of neglect in feeding these dogs.

We had two witnesses who were ex-convicts who testified that they were working with him on these dogs and that he fed them once a day. After the hearing, I talked to one of the ex-convicts, pretty well acquainted with him, and he said; he told me that he worked for this party, that he did not feed the dogs every day, that they were lucky if they got fed once a week, and what they did get was not very much. It would consist of some bones that he would get from the abattoir, offal, and stuff like that.

I believe that is about all I have to say here, unless there are some questions.

MR. POAGE. You have about 2 minutes left, and we may use this time to ask some questions.

This man, who was a dog dealer, do you know what connection he had with this program?

MR. BODINE. You mean——

MR. POAGE. With the dogs?

MR. BODINE. Who owned the dogs or had the dogs?

MR. POAGE. Where did he get the dogs, and where was he taking them?

MR. BODINE. His story, Your Honor, was that he went around throughout the country, that he had an order for so many dogs, that is, like he had an order to deliver so many dogs tomorrow, say, 200 dogs, and he could leave there today and come back with 200 dogs. I had had numerous complaints. He is known as a dog thief. He takes a dog here from Washington, or dogs, and he would take them over here in Virginia, and then bring them back into Washington. He would come to Washington to live here, and he has another bunch of dogs in Virginia. This is the way he would operate.

He sold them to laboratories out in Iowa and in St. Joseph, Mo., and places where he would sell them for what he could get out of them.

Mr. POAGE. Who did he sell them to?

Mr. BODINE. Some laboratories. Some of the other parties who will follow me have the names of the laboratories that buy them.

Mr. OLSON. How big is this man's operation? How many employees does he have?

Mr. BODINE. The kind of help he uses consists of jailbirds or ex-convicts, that type of fellow that he is himself—birds of a feather flock together.

Mr. OLSON. It must be a losing operation for him to have all of this loss of dogs that died.

Mr. BODINE. They could not be too much loss; they do not cost him anything.

Mr. POAGE. Your time has expired. We are very much obliged to you, sir.

Mr. BODINE. Thank you.

Mr. POAGE. We will now hear from Dr. Lowell Greenbaum.

STATEMENT OF DR. LOWELL M. GREENBAUM, PRESIDENT, NEW YORK STATE SOCIETY FOR MEDICAL RESEARCH, INC.

Dr. GREENBAUM. Mr. Chairman and members of the committee, as president of the New York State Society for Medical Research, Inc., a society whose membership includes 1,500 members of the State's 9 medical schools and several research institutions and as an associate professor of pharmacology at the College of Physicians and Surgeons, Columbia University, I am naturally concerned with laws which affect research and animal experimentation. In fact, as an investigator who uses laboratory animals and one who has had the privilege to study in and be a member of the faculty of four medical institutions, I feel that I have some capability in discussing the matter at hand. Some of the comments paraphrase the opinions of our counsel.

The New York State Society for Medical Research has more than a 10-year history of transporting experimental animals to research centers and hospitals. These animals would ordinarily be discarded as waste. Instead they are transported by our ambulances (licensed by the State under the Metcalf-Hatch Act) to institutions where they can aid humanity and also aid studies of diseases of cats and dogs. In cooperation with the ASPCA inspection programs have been set up whereby medical schools and private laboratories are helped and guided to provide the best in shelters for laboratory animals. Our past president, L. R. Christensen, Ph. D., director of the Berg Institute of the New York University Medical Center is publicly thanked for his efforts on advising a committee on the Institute of Laboratory Animal Resources on animal care in the recently released "Guide for Laboratory Animal Facilities and Care" published by [the U.S. Department of Health, Education, and Welfare. Our society is deeply concerned, thus deeply appreciative to Congressman Resnick, of Ellenville N.Y., for his efforts with animal welfare, and we are anxious to protect experimental dogs and cats from improper treatment. After extremely careful consideration, the executive committee of the NYSSMR feels that the bill H.R. 9743 contains severe faults. If passed this bill would bring to a Federal agency (Department of Agriculture) the impossible task of enforcing an unenforcible law.

To be specific, the bill appears to be too broad (shotgun) an attempt to regulate an admittedly dastardly act, the stealing of pets for use in research laboratories.

However, despite the emotional appeals we have heard or we will hear, the committee must realize that such acts are in our opinion rare. So that, for the Federal Government to become involved would be illogical and indeed way out of proportion for the number of acts committed. Pet stealing does occur, but such animals rarely find their way into laboratories. Most stolen pets are highly prized animals that would be used for breeding. It should be clearly understood we think anybody who steals an animal should be prosecuted. Why does H.R. 9743 pick out for prosecution only dealers and organizations who steal animals for sale to research organizations, research laboratories? Why does the bill discriminate by threatening punitive action against a select group? Thus the initial purpose of the bill must be considered to be ill conceived.

The bill itself is full vague definitions that would tax any attempt at interpretation. For example, in section 2, a research facility comes under the proposed bill if it receives any funds from a U.S. agency. Does this mean that a laboratory that does not have Federal support but which is connected to a university that receives Federal support for a history project is liable under the act for supervision? Does a hospital that receives funds (Federal) for building purposes come under the act? The definition of "dealer" is also vague. "Any person who for compensation or profit delivers," and so forth. Does this mean that an airline or railroad which delivers animals (usually for a profit) is considered under the bill a dealer? Would all animals delivered by these agencies have to have their ancestry traced before being accepted for shipment? A great deal of the sections of this bill deal with the term experiment and experimental purposes, yet these terms are never defined. And yet a great deal of time would have to be spent by the Department of Agriculture in determining if an animal was used for research purposes. In addition to the fact that the vague terminology would make the bill unenforceable, it might very well discourage research institutions from accepting animals for experimentation because of its legal status always being in doubt, thus limiting important medical research.

It seems to the NYSSMR that the emphasis for legislation is being placed in the wrong area. We would like to see legislators such as Congressman Resnick introduce legislation which would place funds available for investigation of the best and proper procedures for transporting all types of laboratory animals. We would also like to see funds available for the study of methods to keep farms of laboratory animals for research purposes. It is essential to the programs of study of heart disease, stroke, cancer that healthy laboratory animals be available for use. Our society always stands ready to aid interested people such as Congressman Resnick in any legislation that will further the health and welfare of our Nation.

To summarize: The bill is too broad, too vague, and unenforceable, and would damage medical research.

I would like to take this time to thank the chairman for allowing our society to give its views.

Thank you.

Mr. POAGE. Thank you for your statement.

Dr. GREENBAUM. Thank you.

Mr. POAGE. The next witness is Mr. Oliver Evans.

STATEMENT OF OLIVER EVANS, PRESIDENT, THE HUMANE SOCIETY OF THE UNITED STATES

Mr. EVANS. Mr. Chairman and members of the committee, I appreciate the opportunity to appear before this subcommittee. My name is Oliver Evans, and I am president of the Humane Society of the United States, of Washington, D.C.

The Humane Society of the United States, a nonprofit membership corporation with individual members in every State of the Union, is strongly in favor of legislation to regulate the traffic in animals destined for use in medical and drug laboratories. We believe that the basic principles of H.R. 9743, introduced by Congressman Joseph Y. Resnick, are highly desirable and that the need for such legislation is acute.

Through its own departments and through Federal grants, our Government is principally responsible for the very rapid increase which has taken place in the expenditures for biomedical research and for the corresponding increase in the number of animals used. The Federal Government finances more than half of the medical research carried out in this country.

It is our estimate that more than 300 million animals of all kinds are used every year. The demand for dogs and cats has grown very rapidly to quite a sizable business which involves an alarming proportion of stolen pets—probably more than 50 percent. The northeastern seaboard, which contains the country's largest concentration of laboratories, draws its supply of these animals from as far west as Missouri and from as far south as Alabama.

The Humane Society of the United States has conducted a survey of dogs and cats reported lost or found on a given day. The results of the survey are impressive. Three hundred and fifty members of the society counted the number of dogs and cats advertised as lost or found in their local newspapers on August 11, 1965. Responses came from every State but Delaware, New Hampshire, Wyoming, Hawaii, and Alaska. A projection of the figures reported indicates that approximately 1,750,000 dogs annually are advertised as missing and that 20 percent of this total is advertised as found. Since by no means all of the dogs and cats lost are advertised for, these figures lead us to the conclusion that every year 2 or 3 million dogs and cats are lost and never returned to their owners. Of course, not all of these animals are stolen for research but, in view of other testimony which you will hear later, it is evident that a substantial proportion of them are.

You will hear from my colleague evidence relating to the theft of pets and how these pets are quickly transported across State lines, how they change hands very rapidly, with many of them winding up in the animal auctions in Pennsylvania. The establishments and transportation facilities characteristic of the wholesale animal dealers are, more often than not, cramped, uncomfortable, and unsanitary, with inadequate provisions for food and water.

As you have heard from Congressman Resnick and Congressman Pepper, State laws are woefully inadequate to catch and convict the

thieves and to bring about the badly needed reforms in the conditions of housing and transportation. It is unthinkable that the pets of American families should be stolen on a wholesale basis, then spirited across State lines to miserable, makeshift quarters, and finally sold for use in scientific laboratories.

In our opinion there is no question that the basic principles of H.R. 9743 should be embodied in legislation. We have studied the bill carefully and agree that its provisions have been carefully drawn to rectify particular abuses and practices that are prevalent. Taken in its entirety, we believe the bill will be an effective instrument in bringing about the overall reforms needed to bring an end to the unsatisfactory conditions existing in the wholesale supply trade which delivers animals to laboratories.

We would like to make a few recommendations which in our opinion would make the bill serve its purposes even better.

We believe that the changes in sections 6, 11, and 14 contained in H.R. 9750, introduced by Congressman Pepper, are highly desirable. These are changes under which the Secretary is directed to promulgate standards, rules, and regulations, and orders in sections 5 and 11 and under certain conditions is directed to revoke the dealer's license in section 14. These changes put real teeth in the bill and will serve to make it more effective.

We concur in the change suggested by Congressman Resnick in section 3 under which laboratories and hospitals would not be required to obtain a license from the Secretary. A law with appropriate penalties for violation and requiring the purchase of animals from licensed dealers should serve the purpose of this bill adequately.

We believe that the changes recommended by Congressman Resnick and Congressman Pepper to make it entirely clear that this bill covers the shippers and suppliers of animals to laboratories but is not applicable to conditions in the laboratories themselves are of utmost importance. Legislation dealing comprehensively with conditions in laboratories has been introduced by Congressman Pepper and others, but its inclusion in this bill would only serve to confuse the issue and to jeopardize passage of H.R. 9743. Furthermore, H.R. 9743 has had very wide newspaper publicity as a bill to regulate traffic in animals destined for laboratories. The great support for it expressed in the large volume of mail received on Capitol Hill has been support for a bill to regulate the wholesaler's and shippers of animals to laboratories.

This society's field representatives have inspected numerous dealers and have been instrumental in securing convictions for illegal acquisition of animals and for cruelty. In general, conditions at the dealers' establishments have been found to be positively filthy, with many evidences of neglect in feeding, watering, and control of disease. Besides putting an end to animal thefts, the bill must require humane and sanitary care and handling. The provision in the bill providing for the health, well-being, and safety of the animals should be expanded so that there is a clear requirement that humane standards of housing, care, handling, and shipping must be met by dealers and shippers. Certainly, animals on their way to be sacrificed for improved human health, sometimes under very painful circumstances, deserve the best possible care that law can insure.

In our opinion the enforcement of a law to regulate conditions and procedures at dealers' establishments scattered around the country will require a corps of inspectors and authorized humane society representatives sufficient in size to cover all licensed dealers at random intervals, but not less than twice a year.

The abuse of dogs and cats at the hands of dealers naturally leads to inquiry about the treatment of other animals supplied to laboratories. The obligation for humane treatment extends to them just as much as to family pets.

At one dealer's establishment, where ordinarily thousands of animals are housed, dead and decaying carcasses of guinea pigs were found half buried in filth in the bottom of crowded cages. This is only one instance that illustrates the need for a bill to require humane conditions for all species of animals being supplied to laboratories, not only dogs and cats.

The magnitude of the trade is illustrated by an estimate that by 1970 the value of animals used by laboratories would exceed the value of the animals produced by our farms. But in spite of its size and the lucrative income it produces, more often than not this trade in animals is domiciled in out-of-way places like converted barns on large farms where access and observation is difficult for the public and police alike. Faced with the added difficulty from the practice of quick shipment across State lines, local law enforcement is almost helpless. Federal legislation is essential. We endorse the basic objectives and methods of H.R. 9743 and hope the committee will give favorable consideration to our recommendations for improving it.

Before closing, I would like to present for the record letters and telegrams from 38 organizations in 21 States requesting favorable committee action on this legislation. Letters continue to be received at our national headquarters every day and I would like the opportunity to submit them up until the time the record is closed. I would like to call special attention to a letter from Mrs. Alice Wagner, editor of *Popular Dogs*, a leading national purebred dog magazine, in which she "endorses and supports the Resnick bill, H.R. 9743, without reservations."

Thank you, Mr. Chairman, for this opportunity to appear before your committee.

Mr. POAGE. We have a statement from our colleague, Henry Helstoski, which will be made a part of the record at this point, together with a statement from our colleague John J. Gilligan, which will also be made a part of the record at this point.

(The prepared statements follow:)

STATEMENT OF HON. HENRY HELSTOSKI, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW JERSEY

Mr. Chairman, I wish to thank you and the members of the Livestock and Feed Grain Subcommittee of your parent Committee on Agriculture for the opportunity given me to appear before this subcommittee in support of legislation which would authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for purposes of research or experimentation.

The bills under consideration by this subcommittee merit your deepest consideration and I am pleased to have introduced this legislation, as a cosponsor with Messrs. Resnick, Pepper, and Wolff, on the House side and Senators Clark and Magnuson on the Senate side. I have also introduced H.R. 10743, which is an expanded version of my originally introduced bill, H.R. 9869.

Our concern for the animals to be used in research and experimentation should be of prime importance, for these animals do not have a lobby of their own to protect their interests.

Here is a bill that is designed to put to an end a practice of traffic in stolen household pets, such as dogs, cats, rabbits, and other vertebrate animals.

This legislation would not in any way curtail or outlaw scientific research, it would merely prohibit acquisition of animals for research or experimental purposes except from licensed dealers.

The need for animals in research, particularly dogs and cats, has become great, and as a result, the primary source of these animals is through a thieves' market. This is a criminal, but lucrative practice of traffic in these household pets. These unscrupulous persons utilize various means, and sell them to research units. They do not care whether the animal is healthy, fed, watered, or separated by species, sex, and temperament. To these persons these household pets are just another piece of animal flesh.

We call ourselves a civilized country and it should be possible for an American family to be sure that their pets are free from the ever-present danger of abduction from their owners for the purpose of being sold at a profit to laboratories for scientific experimentation.

The proposals before us will provide for the policing and regulation of the acquisition of research animals. Enactment of this legislation would make it a Federal offense to steal a family pet for sale to a laboratory. In addition, all dealers who supply animals to laboratories would be required to be licensed by the U.S. Department of Agriculture, and all such animals furnished to the laboratories would, under my bill, H.R. 10743, have to come from such licensed dealers.

The Federal Government is a major supporter of scientific experimentation and should be a partner in the acquisition of these animals through legitimate channels, and not condone the practice of using animals which are furnished to the laboratories from dubious sources.

There is nothing in this measure which in any way will interfere with the use of any animal for scientific purposes. We all recognize the fact that such scientific experimentation has resulted in the advancement of our knowledge for scientific advancement. The legislation now before the committee is intended to put an end to the illegal and inhumane practice of procurement of dogs, cats, and other animals for medical experiments by stealing family pets from the backyards, or even parked automobiles.

To punish these thieves, this Congress should enact a law to make such dog-napping and catnapping a Federal crime to be punishable by stiff fines and loss of licenses of the dealers if they are found to be in violation of the law.

If we look realistically at the confused dog and cat marketing picture, it should be apparent to the most naive observer that we need the passage of a Federal bill to give the owner of a household pet the assurance that his pet is safe from thievery.

My bill, H.R. 10743 would fulfill this need. I urge this committee to take favorable action on this legislation and urge its prompt adoption. Through the passage of this bill we can provide the belated aid for animals who are speechless and must rely entirely on man's compassion to speak for them—it is this that touches our hearts and shows the need for remedial legislation.

The least that our society can do is to demand consideration for these dumb animals. This legislation should not be allowed to die within this committee, for it has been postponed much too long and now only our prompt action will correct many of the evils in the procurement of animals for experimental and research facilities.

Mr. Chairman, members of the committee, I wish to thank you for the opportunity and the time which you have given to me to present a case in behalf of my bill on the subject of regulating the transportation, sale, and handling of animals for research purposes.

In the presence of international crises and pressing domestic affairs we can easily overlook such legislation as is being discussed today, but I ask that favorable action be taken without further delay.

Mr. Chairman, I again thank you for hearing my plea on this matter.

STATEMENT OF HON. JOHN J. GILLIGAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. Chairman, thank you for the courtesy of permitting me to testify today on H.R. 9743 which has been introduced by my colleague, Congressman Resnick, and which deals with the regulation by the Secretary of Agriculture of the trans-

portation, sale, and handling of dogs and cats intended to be used for the purposes of research or experimentation.

I am particularly concerned with this bill because I am a member of the Interstate and Foreign Commerce Committee, and the problem under consideration deals with the theft of pet dogs and cats and their transportation across State lines. Currently there is no national law regarding this problem, and State laws are all but useless when a ring of pet thieves have formed a network for immediate interstate transportation of the animals.

Additionally, I am interested because so many of the laws which provide for medical research funds are dealt with by my committee, and these funds in turn purchase animals used in medical experimentation. It is unfortunate that in a roundabout way, because of a lack of controls, the Federal Government becomes a party to aiding pet thieves.

We know now that these pet thief rings are a multi-million-dollar business. We know that there are thieves who spend their full time stealing family pets, putting them into their interstate distribution system often before the families are aware of the loss, mistreating them in inhumane ways, and often force feeding them so that the can be sold, by weight, to medical experimenters.

I do not protest against the proper use of dogs and cats by medical and scientific personnel. I do testify against the kind of traffic which I describe above. Surely we, as a humane nation, can protect family pets against this kind of theft and abuse.

Mr. POAGE. Our next witness is Mr. Frank J. McMahon, director of field services for the Humane Society of the United States.

STATEMENT OF FRANK J. McMAHON, DIRECTOR OF FIELD SERVICES FOR THE HUMANE SOCIETY OF THE UNITED STATES

Mr. McMAHON. Mr. Chairman and gentlemen, thank you very much for allowing me to be here today.

I am Frank J. McMahon, director of field services for the Humane Society of the United States.

Mr. Oliver Evans, president of the Humane Society of the United States, has already testified as to the urgent need for this legislation, so I shall confine my remarks to specific cases and abuses which would be stopped if H.R. 9743 were enacted.

Since the time of the committee is limited, and there are other witnesses who wish to be heard, I have prepared an exhibit for the inspection of the committee which contains investigation reports, newspaper clippings, letters from our members and other humane societies, and photographs depicting the conditions I shall testify to. I would like to submit this exhibit for the record and shall refer to it throughout my testimony.

Although H.R. 9743 covers several areas in which protective legislation is sorely needed, the most important of these is the actual theft of dogs and cats for research purposes. These thefts take many forms, from the actual physical act of stealing a pet from an owner's fenced yard to the more subtle form of corrupting humane society and public animal shelter employees to betray their trust.

Perhaps most difficult to prove are the individual cases of theft because of the fact that these men usually operate under the cover of darkness or in rural areas where their activities are not suspect. You will find newspaper clippings in the prepared exhibit describing dog theft rings in Delaware, Pennsylvania, New York, New Jersey, and Connecticut. These clippings are merely a sampling of reports received daily from all over the country at our national office concerning the mysterious disappearance of family pets.

There are three distinct categories of dog dealers. One, the grass-root dealer actually collects dogs and cats in any given area and by any method he can. We also have the middleman who travels throughout the country collecting animals for the large dealers. Finally, we have the dealers who operate on a tremendous scale involving thousands of dogs and cats nearly. It is these dealers who actually supply research institutions.

I mentioned the corruption of humane society employees and public employees in connection with dog and cat thefts. On September 30, 1964, the HSUS was notified by Mrs. Clair Vogenie, president of the Humane and Dog Protective Association of Freeport, Long Island, N.Y., that a laboratory animal supplier had attempted to bribe an employee in an effort to obtain animals from the shelter. Fortunately this employee reported the incident and investigators for the HSUS went immediately to Freeport. We allowed this dealer, Donald Munson, of Brooklyn, N.Y., to load his truck with 14 dogs and 12 cats for which he paid a total of \$112. With the help of Nassau County police, Munson was then arrested and subsequently convicted on a charge of commercial bribery. It should be emphasized that many of these animals were pets of people who had not had a chance to reclaim them.

In a statement made to Detective Gulls, of the Nassau police, Munson admitted obtaining animals from any source that he could for resale to Bellevue Hospital, Manhattan; North Shore Hospital, Manhasset, N.Y.; Meadowbrook Hospital, East Meadow, N.Y.; and to other institutions out of New York State. A complete report of this investigation is included in the prepared exhibit; however, I would like to introduce at this time two photographs taken by a police photographer. Photograph No. 1 shows the shelter manager removing two beagles purchased by Munson. It also shows the type of crates used. Photograph No. 2 shows the manner in which cats were crated for shipment.

A very similar case existed in Camden, N.J. Investigation by the Animal Welfare Association of Camden resulted in the arrest of all of the public pound employees on grand larceny charges. These employees were selling animals to commercial laboratory suppliers on the same day they were received at the pound, making it impossible for owners to reclaim a lost or strayed pet. The HSUS was asked by Camden City officials to take over the temporary operations of the pound until new employees could be trained. While attempting to clear up the premises, which I might add were in one of the most unsanitary conditions I have ever seen, dozens of dog tags and collars were found secreted in coffee cans, clothing lockers, drainage systems, and other hiding places. Camden police were able to trace many of these to owners who had no idea of what had happened to their pets.

Another case only last month involved a Marion, Ind., woman, Mrs. Benzil Grim. Mrs. Grim's German shepherd followed her children to school on a Thursday morning. The dog was picked up by the Marion, Ind., dog catcher and within a day, the legal holding time is 22 hours, was sold to Oakdale Farm & Kennel, Rural Route 5, Decatur, Ind. Acting on a tip from neighbors, Mrs. Grim, after some difficulty and after obtaining the assistance of local police, was able to gain entrance into the Oakdale Farm and recovered her dog. This establishment, by the way, was, until last year, listed in a Govern-

ment publication entitled "Laboratory Animals." This publication lists various sources from which laboratory animals can be obtained, and is produced by the National Academy of Sciences, National Research Council, under a grant from the U.S. Public Health Service. It is ironic that the taxpayers' money should be used to provide free advertising for laboratory animal supply dealers who obtain the same taxpayers' pets by illegal methods.

H.R. 9743 would also authorize the Secretary of Agriculture to establish standards to assure the health, well-being, and safety of animals held by commercial dealers. This, too, is a very important provision and a tremendous step forward in providing for the welfare of these animals destined to serve mankind. These dogs and cats are very often kept under the most miserable possible conditions while awaiting shipment to research institutions.

The Humane Society of the United States through its field representatives, branches, and affiliated societies has conducted an extensive investigation of conditions at laboratory animal supply companies for the last 5 years. This investigation has included those dealers whom I have previously described as "grassroot" as well as dealers with thriving businesses netting hundreds of thousands of dollars annually. A few examples follow:

Lester W. Brown, of Whitehall, Md., a supplier of dogs and cats for many years, was convicted of cruelty to animals in November of 1962. Accompanying me on this investigation was Dr. Richard Faber, a veterinarian from Bel Air, Md. An excerpt from Dr. Faber's written report to the HSUS stated:

(a) The general area where the dogs are kept is muddy, filthy, strong odor of urine and fecal material and rotten pieces of bovine carcasses; (b) animals in these cages were all mixed together from the standpoint of size and general physical condition. There were a couple of incidences where the bigger dogs were fighting and keeping the smaller dogs from eating some of the so-called food; (c) in all but a few there were water pans, although a very few had any water in them; (d) the only food for these dogs that was in evidence was rotten pieces of bovine carcasses, skulls, intestines, lungs, legs, and so forth. Most of them were in a very decayed condition and, of course, added to the disagreeable odor of the premises.

Dr. Faber's complete report is included in the prepared exhibit.

Roy Henderson, a "grassroots" dealer, was raided in Frederick, Md., only last month. Forty-one dogs which had been chained to barrels, sheds, and other makeshift doghouses in 86° heat were released to the HSUS and subsequently turned over to the Frederick County Humane Society. Henderson agreed to stay out of the dog business and is subject to inspection by Frederick County officials. Photograph No. 3 shows the emaciated condition of a mother dog and her puppies. Photograph No. 4 shows a typical pen on the Henderson farm. Note the accumulated feces and the condition of the water pan which was green with scum.

George Gowen, of Ardmore, Tenn., was arrested by the Giles County sheriff after an investigation by R. Dale Hylton, a field representative for the HSUS on July 28, 1965. Gowen was subsequently convicted of cruelty. Mr. Hylton's report stated that dead and decomposed animals were found on the property, that conditions of sanitation were appalling, and that several animals were suffering from distemper. Mr. Gowen, according to his own statement, sells his animals to the Lone Trail Kennels, in Minersville, Pa. The Lone

Trail Kennels is the largest supplier of animals to the National Institutes of Health kennels at Poolesville, Md.

There are many other reports included in the prepared exhibit which time forbids my relating to you. For example, Zoological Worldwide, of Gainesville, Va.; Rodney Willard Schreck, of Wind Gap, Pa.; Miller, of McConnellsburg, Pa.; Jack Clark, of Everett, Pa.; Walter Decker, of Forty Fort, Pa.; Albert P. Granger, of Westminster Md.; Jack Smith, of Parkersburg, W. Va.; and many, many others.

My testimony would not be complete, however, without mention of Dierolf Farms, Inc., of Boyertown, Pa. Joe Dierolf, owner of the farm and past president of the corporation, twice pleaded guilty to cruelty, once was convicted after a plea of not guilty, and a fourth charge was dismissed on a technicality. Dierolf Farms, Inc., is one of the largest suppliers of dogs and cats to research institutions on the east coast. The net profit on these animals runs into hundreds of thousands of dollars a year. Investigators for the Humane Society of the United States and the Animal Rescue League of Berks County, Pa., raided this farm last December. Conditions were so shocking that veteran investigators were sickened by what they found. Close to 700 dogs were jammed into pens, in many cases 50 to 70 animals in pens 10 feet square. Approximately 400 cats were crammed into stacked chicken crates. Dead animals were in crates with live animals. One newspaper report accurately described it as a Dachau for animals.

These photographs were taken by a professional photographer employed by the HSUS and are a part of the official court record of the case. Photograph No. 5 shows the stacking of the crates of cats. Please notice the dead cat in the bottom crate—several live animals hover in the background. Photograph No. 6 shows Dr. Everett Yaros, a veterinarian from Reading, Pa., and myself, removing a dead cat from a crate containing live animals. Photograph No. 7 again shows the stacks of crates with dead cats littering the floor. I might add that these were top-loading crates which left no possible way to feed or water these animals without moving every crate. Photographs Nos. 8 and 9 show the community pens for housing dogs. There was not the slightest attempt to separate these animals by size or sex and several vicious fights broke out in the pens while investigators were on the premises.

Dierolf Farms, Inc., an organization which has four times been charged with cruelty to animals, is currently listed on page 69 of the National Research Council laboratory supply booklet. The same publication that, as I stated before, is published with a grant of the taxpayers' money.

Another great cruelty which would be stopped by H.R. 9743 is the inhumane manner in which animals are transported from dealer to dealer or from dealer to institution. Dogs and cats are crammed into crates like sardines for shipment or, even worse, simply thrown into the beds of pickup trucks with homemade bodies. These trucks very often have little or no ventilation and dogs and cats suffocate and die before reaching their destination. I would like to introduce into evidence photographs Nos. 10, 11, and 12. Photograph No. 10 shows crates of dogs stacked in a truck of Dierolf Farms, Inc. These animals had been purchased the night before at the Green Dragon Auction, in Ephrata, Pa. At 10 a.m., the next morning they still had not been

unloaded. There was no food or water and the animals in the lower cages were subjected to the droppings of feces and urine from the upper cages. Photograph No. 11 shows two Dierolf Farms, Inc., trucks. Please note that other than two small vents in the front and some small rear panels, no provision has been made for ventilation. Photograph No. 12 is a vehicle belonging to Leslie Judd, of Edinburg, Va. This is a typical pickup truck with a homemade body. According to Judd's statement, over 40 dogs had been unloaded from this truck at Dierolf Farms before the investigators arrived on the scene.

There is no question as to the fact that this traffic is interstate. Last year the HSUS received a report of a large tractor-trailer truck carrying dogs and cats stacked in crates. The truck bore the name "Rodney M. Schreck" with the Pennsylvania license plate No. 396-692. This is the same Rodney Schreck who was convicted of cruelty to animals because of conditions on his farm at Windgap, Pa. He was also charged with having a loaded shotgun in his possession and, at the time he was convicted of cruelty to animals, he was on probation on burglary and larceny charges.

After receiving the information about this truck, the HSUS issued a special alert to all humane societies on the east coast with instructions not to interfere with the progress of the truck but to report its whereabouts to our national headquarters.

Within a month and a half this truck was reported at Cressona, Pa., with a full load of animals; Walden, N.Y.; Parkersburg, W. Va.; Mansfield, Ohio; Smithfield, N.C.; Charlotte, N.C.; Raleigh, N.C.; and Waterford, Conn.

Jack Clark, a dealer mentioned before in my testimony, has been arrested twice on charges of cruelly transporting animals and was convicted both times—once for having 126 dogs and 12 cats confined in a truck bed 8 by 5 feet. Two dogs were dead and many were injured.

William Miller, also mentioned before in this testimony, has also been convicted on the same charge. Miller has also been convicted of failure to keep proper records under Pennsylvania law. I wish to introduce photograph No. 13. This is a photograph of two bills of sale of William R. Miller. One bill of sale is for a Dalmatian dog, signed by Mrs. Linda Jones and receipted by William Miller. Mrs. Linda Jones later reported to investigators that she had signed this bill of sale but that she did not own the Dalmatian dog or the rabbit.

H.R. 9743 would also make illegal the sale of dogs and cats at public auctions. There are several of these animal clearing houses located in Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, and other States. Dogs and cats are stuffed into crates and sold to commercial dealers by the pound. HSUS investigators have witnessed the callous disregard for animal life at these clearing houses. I would like to submit photographs Nos. 14 and 15 for the record. Photograph No. 14 shows cats in crates after having been purchased by a commercial dealer. Please note the overcrowding. There is a minimum of 10 cats in the top chicken crate. Photograph No. 15 shows dogs also jammed into chicken crates after having been purchased by a commercial dealer from New Jersey at the same Pennsylvania auction. The same condition of overcrowding exists and the dogs cannot stand erect in the crates. Also for the record I wish to submit reports from R. Hale Hylton, field representative for the HSUS, and a notarized report from Florence Joan Schippert of Radnow, Pa., concerning cruelty at animal auctions.

You might get the impression from the many convictions that I have mentioned that legislation is not needed. Nothing could be further from the truth. These convictions have been obtained only after a concerted effort by the HSUS and local humane societies. In most cases the maximum fine has been \$50 and all of the dealers mentioned are still in business. Protection for these unfortunate animals, and protection for the millions of dollars of the taxpayers' money that is paid to these dealers by the Federal Government is extremely necessary.

In conclusion, gentlemen, I wish to state that the Humane Society of the United States has hundreds of photographs, reports, and other evidence gathered during investigations over the last 5 years. Any of this information is available to the committee at any time.

I have prepared exhibits which contain newspaper clippings, photographs, and letters from our members.

Mr. POAGE. They may be filed with the committee.

Mr. McMAHON. That is what I would like to have done.

I have also several other photographs that I would like to submit for the files.

Mr. POAGE. They may be filed.

Mr. McMAHON. Congressman Resnick said that there would be an executive committee meeting to hear a man who has been convicted of dog thievery. The meeting is scheduled for 2 o'clock this afternoon. I will not elaborate on what he will tell you this afternoon, but I would state two things that he told me last night.

No. 1, he said that it was not unusual. He named names in one certain area of Pennsylvania where boys from 10 to 14 years are paid \$2 by a dog dealer for every dog that they can pick up and deliver to him. This man, also, admits stealing many dogs himself. When I asked him the reason for this, he stated that a dog dealer had a quota to fill, and that they had a contract with laboratories and that they would have to supply that many dogs; for example, if they had to supply 40 dogs in a week, they must fill their quota, or lose their contract.

(The documents and photographs referred to will be found in the files of the committee.)

Mr. POAGE. Our next witness will be Dr. Walter Booker.

**STATEMENT OF DR. WALTER BOOKER, TEACHER, RESEARCHER,
AND AN ADMINISTRATOR, HOWARD UNIVERSITY COLLEGE OF
MEDICINE, AND PRESIDENT, COMMITTEE FOR HEALTH AND
RESEARCH OF THE DISTRICT OF COLUMBIA**

Dr. BOOKER. Mr. Chairman, and other distinguished members of the committee, I come before you today as a teacher, a researcher, and an administrator at Howard University College of Medicine, and as president of the Committee for Health and Research of the District of Columbia, a group that was organized in 1947 and recently (1963) incorporated in the District of Columbia. Also, since 1953, I have been chairman of the committee on research in the college of medicine.

In addition to the unnecessary bill before us, its discriminatory nature, and its many other technical deficiencies and errors, such

as the abridgment of State powers, I want to question the purpose of the bill.

Although not a part of my prepared statement, there are some other questions that I would like to raise, which I would like the members of the committee to raise with the witnesses before the hearings are over.

My colleagues have already shown, and I am sure the proponents of this bill and its sponsors know, that Federal codes in existence now are directed against larceny of any nature. The gentleman who just finished testifying pointed out several convictions of dog thieves. If the convictions occurred, this is evidence that no other law is necessary, because I am sure he was convicted under the law. My colleagues have shown further that the instances of pet stealing and the sale, transportation, and use of stolen dogs and cats are so infinitesimally small to make the time, energy, and financial structure of this bill highly unwarranted. I raise the question loudly, then, what is the purpose of this bill?

I proffer the answer that this bill has no other purpose than to serve as one prong in the fork of eight other bills in the hopper of the Congress of the United States designed to make more difficult the use of animals in teaching and in research. If the members of the committee doubt this, I ask them to consider the activities of many of the people who favor this bill. Some of the witnesses, by the way, have spent considerable time drawing pictures of cruelty to animals. This is not a matter of consideration before this committee today. I would like for the record to read that I also object to such testimony on the strength that this testimony is to be directed——

Mr. POAGE. The Chair will rule that it is a proper matter to come before the committee, and we will not exclude it.

Mr. BOOKER. Thank you, sir.

What was their position in the 1940's and 1950's in Chicago, in Boston, in Buffalo when the cities developed programs to turn over to medical schools all unclaimed animals in the pounds rather than to put them to death serving no purpose?

Ask them if they opposed and subsequently did everything they could do to obstruct such an arrangement. Ask them on what side of the question they were found when, in 1948 the Committee for Health and Research of the District of Columbia introduced a bill to make available unclaimed pound animals for teaching and research. A more universal use of city and privately owned pounds over the country would obviate the necessity of animal dealers, there would be no auction, or sale at auction of dogs and cats by weight, or by any other measure, which seems to the proponents of H.R. 9743 so reprehensible. This is why I question seriously the purpose of this bill. May I go one step further before I finish: For 17 of the 22 years I have been in medical education, I have, on various occasions, either written or debated over the radio, or I have presented testimony before a congressional committee in support of animal experimentation. I have seen the lack of understanding of the purposes of animal experimentation. I have seen false accusations and distortions, as we have heard here today, on the part of various proponents. It seems to me that both sides need now to embark on a program in our cities where medical schools are located toward education of the public about animal experimentation, and I call for an education of the public, toward a program or Federal laws that would place pounds

under obligation to make available to laboratories unclaimed animals through orderly processes now in operation in a few of our cities. We need to engage the attention of Members of Congress, like yourselves, to the high purposes of animal experimentation so they would become counted among those who are facilitating the advances of medicine.

Their influence through their personal interests and through sums of money that could well be appropriated by the Congress toward animal care and maintenance would be an invaluable contribution toward elevation of standards and the improvement of the process of medical education. This would be a positive step toward a fuller conscientiousness of the objectives of science and medicine. Unless the proponents of this bill are willing to engage in such a program, their purposes and this bill are impeachable.

Mr. POAGE. Thank you, Dr. BOOKER.

Dr. BOOKER. Thank you.

Mr. POAGE. The next witness will be Fay Brisk.

STATEMENT OF FAY BRISK, A DIRECTOR OF THE ANIMAL RESCUE LEAGUE OF BERKS COUNTY, BIRDSBORO, PA.

Miss BRISK. Thank you, Mr. Chairman, for giving me this opportunity to tell the committee of my experience as a volunteer animal welfare worker in the Commonwealth of Pennsylvania.

In this capacity, I have found evidence enough to convince me that unscrupulous laboratory animal dealers are taking advantage of American taxpayers—and the Federal Government—by selling sick and stolen animals to medical research laboratories financed with Government funds.

Family pets—children's pets—are stolen and carted off to laboratories that pay for them with taxpayers' dollars, for example:

A dog believed to be a Pennsylvania family's pet Dalmatian was traced to an incinerator at a New York hospital. I have documentation to support this and other reported pet thefts in exhibits A, B, C, and D, which I have submitted with my statement.

And thefts, Mr. Chairman, are not the only atrocities that are committed by suppliers of research animals.

On my own personal investigation, I have seen dogs with ugly wounds and pus-filled eyes packed like sardines into the pens of one of the biggest interstate animal dealers in the East. And at this same dealer's farm, I have seen half-starved cats with bloody noses jammed into chicken crates with dead cats. This dealer was convicted of cruelty this year on this third offense. He is still in business. Mr. Chairman, newspaper accounts of the cruelties witnessed at his farm are contained in exhibit E, and an account of this dealer's conviction on cruelty in 1958 is contained in exhibit F. An account of another dealer's cruelties is contained in exhibit G.

Equally appalling conditions are found at auctions. To my knowledge, there are four auctions within a radius of 50 miles of Philadelphia. Each is open for business one night a week. And each sells food—and animals.

At these auctions, interstate dealers congregate to collect their cargoes, which they purchase by the pound. There is an obvious lack of concern for the welfare of these animals. For example: at

one auction I saw collie puppies, drenched and gagging in their own vomit. A dealer bought them for 10 cents apiece. At this same auction, I saw dogs and cats and other small animals stuffed into chicken crates, orange crates, shoe boxes, and burlap bags, without care or water. Boys—ranging from 10 to 14 years of age—tossed them into dealers' trucks that were already overcrowded and unsanitary. Exhibits H, I, and J attest to more of the same kind of cruelty.

Mr. Chairman, I do not believe that the States, themselves, can cope with this type of traffic. Dog dealing is not confined within one State. It is a highly lucrative, nationwide, interstate business. And since the Federal Government pays for much of the research involving animals, I believe the Federal Government should have some say on how this traffic is regulated. No taxpayer wants to feel that his money is paying for sick or stolen pets. And no hospital, I am sure, wants to buy them.

In fact, I learned just the other day that Mount Sinai Hospital in New York already is taking steps to remedy this situation. Mount Sinai, I understand, is planning to breed its own dogs and cats at its own farm in upstate New York.

In view of the very serious problem at hand, I strongly support H.R. 9743 as a measure that would do much to prevent dog and cat thefts and mistreatment of animals sold to Government-financed laboratories.

And now, Mr. Chairman, in order not to take up any more of your valuable time, I would like to submit a more detailed statement and exhibits for the record. Thank you.

(The various exhibits referred to above are in the committee files.)

(The complete prepared statement of Miss Fay Brisk follows:)

STATEMENT OF FAY BRISK, A DIRECTOR OF ANIMAL RESCUE LEAGUE OF BERKS COUNTY, BIRDSBORO, PA.

DOG DEALERS

In the fall of 1962, I was told about an interstate laboratory animal dealer who supposedly maintained crowded, unsanitary kennels and would not permit humane agents to inspect the premises.

I decided I would pay these kennels a visit and find out for myself.

On the Saturday after Thanksgiving (that same year), my sister drove me to the kennels and parked her car at the entrance to the "No Trespassing" sign on the lane that led to the building housing the dogs and cats. I was met by a farmhand. I told him I had come to buy a dog. At first he seemed reluctant to talk to me, but when I insisted, he said I would have to wait until he talked to someone else. I waited while he entered one of the two buildings used to house the animals. The buildings were long narrow structures, constructed of concrete block.

The man returned in a few minutes and asked me what kind of a dog I wanted. I told him I wanted a puppy. I also asked him whether I could wait inside one of the buildings since I was very cold. He said "No." Again I insisted, and he finally said I could wait inside the door. Then he left to get the puppy.

Inside the building I was appalled at what I saw. A narrow, dimly lit corridor separated two rows of pens. Each pen was jammed with dogs of all sizes. There must have been 40 dogs in a pen big enough for only 5 or 6. The dogs' coats were matted with filth, and the dogs were crawling all over each other trying to get out. They threw themselves against the doors. They tried to crawl up the sides of the doors to look out through the upper half which was made of heavy steel wiring. It was impossible to see the floor of these pens. The big dogs trampled the little ones, and some of the small ones lay dead. I saw one large poodle with a deep, bloody gash in its side.

The man came back with a rust-colored puppy that was part cocker spaniel. A thick rope was around the puppy's neck, and the man held the puppy up by a

leash, also made of thick rope. The puppy dangled by its neck. I told the man to put the pup down and to remove the rope immediately. He laughed and said that was the way to handle dogs. Then he wanted to know how I was going to get the dog home. He also wanted to know if I lived in the area. I told him I had a car and a driver and that I came from out of State. He said all right, and asked me to bring the car around. He wanted to see who was driving. My sister drove the car down the lane, and the man asked for \$6. I had only \$5, and I gave him that. He took the \$5, and told me to put the puppy in the trunk and close the lid. I told him that was no way to treat dogs. He replied: "A lot of people bring their dogs in trunks." I asked him whether these were the owners, and he said he didn't know. He did not give me a receipt for the \$5.

I reported my visit to the proper authorities in Pennsylvania, and requested the department of health to inspect the kennels. I received a report from State health officials informing they have inspected the kennels twice, and each time found unsanitary conditions.

Subsequently, I began my drive to seek legislative changes to the 1921 Pennsylvania dog law which, in my opinion, was obsolete and could not cope with growing interstate laboratory animal traffic.

New legislation is now pending. I also appealed to one of the large Pennsylvania animal welfare societies to take some action against a certain dealer. When that failed, I appealed to the Humane Society of the United States.

Based on my complaint and the complaints of others, a search warrant was obtained. HSUS and the Animal Rescue League of Berks County including myself entered the premises, and John Dierolf, of Dierolf Farms, Inc., was arrested on December 19, 1964, on a charge of cruelty. It was his third offense. Previously he had been convicted of cruelty and on another occasion he had pleaded guilty. He was again convicted of cruelty and ordered to pay a fine of \$50 and costs. (His appeal is pending.)

The name of Dierolf Farms, Inc., is listed in the publication, "Laboratory Animals II, Animals for Research," published by the National Research Council, National Academy of Science, with the help of Government funds.

AUCTIONS

I have already described some of the cruelty to animals that I have witnessed at a Pennsylvania auction.

At the Green Dragon auction near Ephrata, I saw trucks belonging to Dierolf Farms, Inc., which sells animals to medical research laboratories in New York City.

At the Gilbertsville, Pa., auction, humane agents noted the license of a New Jersey animal dealer.

Interstate commercial dealers also buy animals at the other two auctions.

Recently I investigated complaints about one of these auctions:

Twenty-three puppies were found abandoned at 2 a.m. in chicken crates. The puppies were taken to the Animal Rescue League of Berks County (Pa.), which had most of them put to sleep on the advice of a veterinarian.

Another case concerned an old and blind black cocker spaniel which the auctioneer would not sell to humane agents because, he told them he had "no papers" on it. However, the agents saw the dog put aboard an animal dealer's truck.

Still another case concerns a pedigreed boxer that was purchased from a dealer for \$25. The new owners said they paid a sales tax, but did not receive a receipt for the purchase. The boxer is now at the Animal Rescue League of Berks County where the new owners took him because, they said, he appeared to be "someone else's pet."

I also have a letter which describes unbelievable cruelty at one of these auctions. The complainant wrote:

"Several years ago there was extreme cruelty to animals in outdoor pens where teenagers would congregate and abuse animals sexually by using sticks. Animals bleated with pain for hours * * *."

LOST PETS AND PET THEFTS

Perhaps one of the most widely published cases of a family pet believed to have been sold by a commercial dealer to a medical research laboratory is that of a Dalmatian owned by a Pennsylvania family.

In order to give the committee an idea of the effort involved in obtaining the facts in this case, I am inserting into my statement my own personal notes which I jotted down on July 5, 1965.

Wednesday, June 30 (p.m.): Informed by Frank McMahon of the arrest of animal dealer William Miller, of McConnellsburg, Pa., for driving overloaded truck and improperly transporting 18 dogs and 2 pregnant goats in a small pickup truck. Arrest made by two Palmer township police officers in Easton, Pa.

Thursday, July 1: Received call from Dale Hylton (HSUS) with more details of the arrest.

Telephoned Mrs. Harold Streeter, of Easton SPCA, and learned that Mrs. Peter Lakavage believed one of the Dalmatians to be her dog which disappeared from her back porch in Slatington, Pa., on June 22. This dog was described as being between 5 and 6 years old, a female which has been bred in past years.

Telephoned Mrs. Lakavage and advised her to send a telegram to Richard Kutz, deputy attorney general in Harrisburg, urging him to start an investigation by dog wardens.

Telephoned Richard Kutz and advised him that telegram was being sent to him regarding the missing dog, and urged him to start investigation. He said he would.

Telephoned Florence Thiele, of Walden County Humane Society, and was told Mrs. Lakavage was on her way to a New York farm to take a look at the dogs which Miller said he was delivering to that particular farm.

Friday, July 2: Received call at 11:30 a.m. from Walden County Humane Society in New York requesting help in obtaining a search warrant for Mrs. Lakavage, who was unable to get into the New York kennels without one. Called Richard Kutz but was unable to reach him.

Asked Mrs. Christine Stevens to help. She did. She called back and advised me that she had called Senator Clark's office and that Senator Clark's office had called Congressman Resnick's office (New York). She asked me to call Congressman Resnick's office with details.

Contacted Congressman Resnick's administrative assistant, Mrs. Helmers, in New York, and told her the story.

Saturday, July 3: Telephoned a Corporal Wheeler of the State police in McConnellsburg, urging him to see Miller and find out where Miller actually took the dogs.

Wheeler called back and said Miller admitted taking the dalmatians to Montefiore Hospital in New York City.

Called Montefiore Hospital, but switchboard operator was not helpful. She said there was never anyone in attendance in the animal quarters at night and told me to call back the following morning.

Notified Mrs. Helmers that dogs were in Montefiore Hospital. Telephoned friends in Philadelphia and asked them to get in touch with "humane agent" in Jack Clark's territory (Everett, Pa.). Dog so far had been traced via bill of sale to Clark.

Sunday, July 4: Called Corporal Wheeler in McConnellsburg and asked him to have Miller call Montefiore Hospital and tell attendant to hold both dalmatians.

Wheeler called back and said Miller called the hospital and was told the older dalmatian had been used in heart surgery on Friday and was dead.

I called the hospital to have this verified. A Mr. McNichol, who was most cooperative, told me the same thing. The dog's carcass, he said, had been cremated. He volunteered the information that he had ordered six male dalmatians, but got only four males, and that Miller had "wrung in" two females. He said the younger female, about a year old, was still alive and to be used in a "long-term experiment." I asked him to hold on to the female until he got the word that it didn't belong to anybody. He promised he would. I then urged him to make certain that the older dog was dead. He told me that he didn't have to check with anyone. He said he knew that the dog was dead and had been cremated.

Telephoned Florence Thiele to give her the news.

Telephoned the Dave Lobels in Glen Mills, Pa. They offered to buy the younger dog. They said McNichol told them they could have the dog if another hospital official agreed. He did.

In the meantime, was notified by the McConnellsburg State police that Clark would be arrested because he didn't keep any records.

Also was notified by the McConnellsburg police that Miller did not have a correct bill of sale for the younger dalmatian. Was told that Miller had asked a woman to sign the name "Jones" to the bill of sale, but that Miller claimed the dog had actually been given to him by his brother. Police were trying to locate his brother. They also couldn't find Clark to serve the warrant for his arrest.

Mr. POAGE. Thank you very much.

Miss BRISK. Thank you.

Mr. POAGE. We will next hear from Dr. N. R. Brewer.

**STATEMENT OF DR. N. R. BREWER, SECRETARY, ILLINOIS SOCIETY
FOR MEDICAL RESEARCH, CHICAGO, ILL.**

Dr. BREWER. Mr. Chairman and members of the committee, I am Dr. N. R. Brewer, a veterinarian of the University of Chicago and I am here representing the Illinois Society for Medical Research. The president of the Illinois Society for Medical Research asked me to present a statement for him. A summary of his statement is the objection to the bills on the grounds that they would not protect the owners of dogs or cats from theft. I will submit this statement for the record.

Mr. POAGE. Without objection, it will be made a part of the record at this point.

(The document dated August 31, 1965, follows:)

ILLINOIS SOCIETY FOR MEDICAL RESEARCH,
Chicago, Ill., August 31, 1965.

Subject: Hearing, bill H.R. 9743, Thursday, September 2, 1965.

CHAIRMAN, COMMITTEE ON AGRICULTURE,
Room 1301, Longworth Office Building, Washington, D.C.

MR. CHAIRMAN: Because of the short notice of the hearing set for Thursday, September 2, on bill H.R. 9743, introduced by Mr. Resnick, and similar bills, I am not able to attend the meeting. I would like, however, to go on record as objecting to the provisions of this bill, and companion bills.

I object to the bills, not on the grounds that they would propose to protect owners of dogs and cats from theft, but on the grounds that the bills in their present form are unrealistic, would seriously interfere with obtaining such animals for research, and would seriously impede both teaching and research in medicine.

Great Britain is held in esteem by supporters of these bills because of its Victorian law which places restrictions upon the use of animals in teaching and research, but Great Britain has not found it necessary to pass laws licensing or regulating dealers who supply animals to research institutions.

If the commerce in dogs and cats needed to be regulated by law, one would expect the law to be directed primarily to the procurement of such animals by pet shop operators, because it is in such enterprise that there is the profit incentive in the procurement and sale of animals. For every medical school in the United States, there are 25 pet shop operators (1963 census).

But no, the bill singles out research and teaching institutions, in particular, those who receive funds for research from the U.S. Government. The bill is an attack on research and on Government policy in supporting research. The Government gives for research, but now the Government would propose to enact regulations to suppress research.

The framers of these bills have rightly some doubt concerning the constitutionality of some provisions of the bills, and have introduced section 8, which would require the Secretary to take such action as he may deem appropriate to encourage the various States of the United States to adopt similar laws, and to take such action as will promote and effectuate the purposes of this act, etc.

A Secretary of Agriculture is in a position of great power and influence through the farflung operations of his Department—especially in States that are predominantly agricultural, dairying, or livestock producers. These bills would require the Secretary to become involved in State politics with whatever means of persuasion he might use, by virtue of his high office, to obtain "cooperation" of State officials in obtaining legislation similar to that of these bills. This provision would debase the office of the Secretary and mark a new low in the methods of "lobbying."

Sections 6 and 8 of the bill require much recordkeeping without provision for the use of such recordkeeping, unless an army of inspectors is to be employed. In any case, it would add time and expense—impeding research.

In section 2a, the term "commerce" is defined, and in section 2g, the term "dealer" is defined. According to these definitions, a person who breeds and raises dogs or cats for sale within a State boundary would not be a "dealer." Section 10 states, however, that no research facility shall purchase any dogs or cats except from licensed dealers. An institution, therefore, could not purchase from such a breeder, and the breeder could not sell to the institution, except in violation of the act. This would close one source of animal supply.

The stifling effect of the bills on research is shown again in sections 12 and 13, which would introduce a serious risk of legal problems and penalties in doing business with dealers.

Section 12 provides penalties for violation of a provision of the bill. Violations would include an act, omission, or failure. Dealers would hesitate to engage in a business that would involve the possibility of a \$10,000 fine and/or 365 days of imprisonment. This penalty is just 1 day short of making the violation a felony, and in some states a felony for any length of confinement in a State prison.

Section 13 holds the institution responsible for any act, omission, or failure of an employee, and holds the institution and presumably the head of the institution, subject to the penalties provided in section 12.

It is well known that the institutions are nonprofit organizations—without funds for such fines. It is obvious also that the head of an institution cannot supervise every act of an employee, and that his guilt for an act, omission, or failure of an employee could not be held in a court of law.

Section 16 proposes to finance the administration of the act through the collection of license fees. Administration could require an army of field inspectors, and the cost of administration could skyrocket. It is moreover questionable whether the Director of the Budget would approve the procedure provided for financing the administration of such an act.

Respectfully yours,

A. H. RYAN, M.D.,

President, Illinois Society for Medical Research.

Dr. BREWER. I would like to advise the committee that I have been the veterinarian in charge of laboratory animal care at the University of Chicago for 20 years. I have in that time conducted people through our quarters in search of animals they have lost, and except for animals that have come from the municipal animal shelters that were brought to us by mistake and returned to the owners, we have yet to find an owner who has yet been able to find a dog or a cat among those sold by a dealer.

About 5 years ago a couple of ladies came down from Wisconsin who explained that they were there to claim two cats that had been sold to us by a dealer. I asked them to identify the cats. I released the cats. I went back to Oshkosh but they could not find the alleged owners of the cats, nor the cats. And this is of court record in Oshkosh.

It seems to me that the statistics of stolen dogs are much too high that are sold to the laboratories. I do not outrule the possibility, but I do not think that the numbers involved are of such numbers as have been suggested to cause such legislation as this to be passed.

That is all, Mr. Chairman. I am prepared to answer any questions.

Mr. POAGE. Thank you, Dr. Brewer, for your statement. Our next witness is Mrs. Christine Stevens.

STATEMENT OF MRS. CHRISTINE STEVENS, PRESIDENT, THE ANIMAL WELFARE INSTITUTE, SECRETARY OF THE SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, AND PRESIDENT OF THE NEW YORK STATE HUMANE ASSOCIATION

Mrs. STEVENS. Mr. Chairman and members of the committee, I am Mrs. Christine Stevens. I am not going to speak on behalf of any

individual society, but I am with the Animal Welfare Institute and the Society for Animal Protective Legislation and I would like to submit my statement for the record.

Mr. POAGE. Without objection it will be included in the record.
(The prepared statement of Mrs. Christine Stevens follows:)

TESTIMONY OF CHRISTINE STEVENS, PRESIDENT, ANIMAL WELFARE INSTITUTE

Theft and mistreatment of dogs and cats for sale to laboratories is a widespread problem of long standing. This is the first time that the Congress has considered legislation to control it. I wish to present a few typical reports from humane societies and individuals in various States which I have received in connection with my work with the Animal Welfare Institute, of which I am president, the Society for Animal Protective Legislation, of which I am secretary, and the New York State Humane Association, of which I am president.

The first I would like to note is one dating back to 1951 when I was sent these photographs by the Ogdensburg, N.Y., Society for the Prevention of Cruelty to Animals. Here is a picture of the ramshackle premises, and here is an interior shot of a thin, frightened dog with the offal that has so often been the only food offered these unfortunate animals. The fancy name of this establishment is typical, too: "Blue Ribbon Kennels." A recent letter, July 15, 1965, from the president of the Ogdensburg SPCA indicates that, though Blue Ribbon has gone out of business, "animals are still being stolen in this area from time to time."

To turn a more recent case also in New York State, a high school teacher reportedly taught his little daughter, a child of about 6, to lie to trusting cat owners, telling them her parents needed cats for their farm in order to catch mice. The father, in fact, collected these cats for sale to laboratories, according to the statement of Mrs. Reginald Kline, Animal Welfare Department of the Columbia Humane Society, January 9, 1964, to the editor of the Millerton News.

As the result of this disclosure, the cat collector threatened a law suit. I myself received notice from his lawyer not to destroy any of the information I had received upon which I had based a complaint to his superintendent. Nothing came of this threatened law suit; but it, too, represents typical action by dog and cat dealers when their activities are brought to public view. The larger and more powerful ones sometimes succeed so well in frightening complainants that they can continue their operations for years without any hindrance.

For example, a person whose name will be given off the record to the committee on request, wrote me May 7, 1956: "The Chicago University takes so many of Wisconsin's dogs. The conditions in their labs are unspeakably filthy. Nothing scientific about it. Cages holding miserably mutilated cats bore signs saying 'sick.' The name of a student was fastened to each cage. One cat's head hung back so that it rested on its neck. No one in attendance. I rescued eight cats from there 4 years ago. Wisconsin has a law saying that cats and dogs belonging to Wisconsin may not be shipped over the State line to other labs. At this time a municipal judge in Oshkosh had the case closed after I had signed a complaint against the shipper by declaring the law to be unconstitutional. At this time even though I acted in upholding a State law, proved in court that the shipper had sent the cats across the State line, the shipper sued me for \$15,000. He said that if I would not carry the case up to the Supreme Court that he would drop the case. I felt that the cards were stacked against me, so I dropped it. We feel that dogs and cats are shipped away from their homes so that the owners cannot trace them. So many just drop from sight. Owners are heartbroken. One woman called last night. She is confined to a wheelchair. Her dog, which had been her constant companion, had just dropped from sight. Is there anything we can do?"

The individuals who pick up animals to sell to other dealers take other means to protect themselves. For example, Miss Katherine Fleming, of Niantic, Conn., reports that her windows were shot at with an air rifle; and she received threats that her cats would be killed after she saw a neighbor youth rush something over the fence on the lane by their yard, heard a cry from a dog and then a car start and move away swiftly. She called the police; but like so many cases in this field, it was impossible to follow through. Miss Fleming reports that over 20 cats, including 2 belonging to her, disappeared last spring in a four-block area of Niantic, Conn. Miss Fleming took these photographs of a makeshift dog cage, deep in the woods, made from an old piano crate and capable of containing some

30 dogs which, before it was destroyed by an angry humanitarian, was, according to her report, used as a drop for dogs so that the dog dealer's trucks could pick them up unobserved.

Mrs. John McGarry, of Stratford, Conn., writes August 19, 1965, that the dog warden of Fairfield, Conn., stated that 18 people from one neighborhood called him about missing cats at the end of June 1965. She notes, too: "A man driving a station wagon was seen picking up a particular dog and when anyone called to him from afar, he said he was the dog warden. Needless to say, he was not the dog warden, and unfortunately no one ever thought quickly enough to take down the license number".

This is another means of escaping detection which has been reported to us from different parts of the country. Sometimes the dog dealer even has his truck painted the same color as the truck used by the local animal shelter to bring animals to the shelter at the request of citizens. For example, Miss Mabel Crafts, cochairman, legislative committee, Florida Federation of Humane Societies, writes concerning thefts reported several years ago to the Jacksonville Humane Society: "We have had dog stealers. One painted a truck to look like ours; labeled it 'animal shelter,' and tried to take animals away from people on some pretext. One big police dog resisted and bit the taker. We never caught the man as he had his license number obscured and messages as to his whereabouts were always received too late." Mrs. Clara Belle Graves of Springfield, Ill., tells of the operators of a blue truck who actually took pets in the presence of children and old people. She writes: "* * * they told that old lady who pleaded for her old dog that the dog has been reported as a nuisance and that she would need to go to the animal shelter to get her pet back, paying \$5. Several children, from outlying districts, made the same report."

Children may also be used to collect animals. Louise Whitney, of Roxbury, Mass., writes, August 14, 1965: "One day I actually caught about six small children, average age 6, trying to catch a cat in my back yard. On questioning them, I learned that the 15-year-old boy of the family mentioned above had told them, 'get me cats'".

Letters from individuals who have personally observed attempts to lure animals into cars are another indication of the widespread activities of pet thieves. For example, Mrs. Richard Serafin, of Greenwich, Conn., writes, August 19, 1965: "One day I noticed a man and a woman attempting to get a Scotty to go into their car. Fortunately, I came along unexpectedly. The Scotty knew me and ran to me first. The couple drove off quickly before I was able to get their license number." She then lists by name three other dogs personally known to her which disappeared mysteriously.

Miss Grace Johnson of Ephraim, Utah, writes: "I am an elderly woman living alone. I have two dogs, Whitey and Susie, who are beloved friends, companions, and protectors. (How many times I have been alerted to prowlers in time to do something about it.)

"Usually, I let my dogs out in the morning for a little run, this being a small, rural community without a leash law. I came out one morning in time to see two strange men trying to entice Whitey into a strange panel truck. Shouting, I ran forward. The men jumped into the truck and made off with such speed; I couldn't get the car number. At this time, a loved dog belonging to a nearby family (they had tied it in the yard while they made a quick errand to the store) vanished and has never been heard of since.

"What would my life have been like if my two dogs had disappeared? For the remainder of my years, I should have gone heartsick and grieving, imagining all the terrible things that had happened to them."

Many dog and cat dealers have been in business for long periods. For example, notes were sent me by Gladys Markle, of Underhill, Vt., on shipments she observed going through York, Pa., in the year 1948-49. One of the dealers most frequently mentioned is James M. Anthony, of Littlestown, Pa. Now, 16 years later, his establishment is listed under the title "Woodside Meadow Farm," rural delivery 2, Box 218, Littlestown, Pa., in the fifth edition of "Laboratory Animals, Animals for Research, a Directory of Sources of Laboratory Animals, Equipment and Material, a Report of Institute of Laboratory Animal Resources, National Academy of Sciences—National Research Council, 1964".

This directory is the finest kind of advertisement for dealers in animals. No standards of any kind are required; and it costs nothing to have your name, address, and telephone number appear. The notorious "Zoologicals Worldwide" reported on fully in the testimony of the president of the Virginia Federation of Humane Societies, was listed in the directory at the time it went out of business

under pressure of a criminal conviction for cruelty to animals and adverse front-page publicity. Dierolf Farms, twice convicted of cruelty in the last year, is currently listed in the NAS-NRC directory and continues a lucrative business in spite of it all.

Here is a report, dated October 4, 1961, on a truck operated by another big dealer who enjoys the free publicity of the NAS-NRC directory, Lewis Warren, of Pana, Ill. The truck, towed away by the Chicago police after an accident, was so tightly packed with dogs that they were unable to turn around; the compartments were so low they could not stand, and all were filthy with manure and urine. Photographs of the truck are available for the committee. Also, a picture of another truck of Lewis Warren's taken in Kansas City, Mo., is available.

According to a report by Will Cooper, of Kansas City, Mo., September 25, 1957, *Christian Science Monitor*: "Another trucker was apprehended with a half-ton pickup truck upon which he had constructed two decks. He had 99 dogs in it. By mathematical calculation each dog in the truck would only have had space about 6 by 12 inches and many of them were 30- and 40-pound dogs. They had been confined in this space about 8 hours without water or food. It took the police and society employees 2 hours to unscramble the load and transfer it to the society's vans for transportation to the shelter. Nineteen of the dogs had to be destroyed because of injuries." This trucker was, in fact, also an employee of Lewis Warren.

Dog auctions take place in several different States. John Shearer, an animal dealer in Hershey, Pa., in an interview in 1953, takes credit for starting the animal sales at farmers' markets years ago. He said, "I made 'em a standing offer—\$1 apiece for anything alive that had fur growing on it. It's been a big part of those auctions ever since."

To summarize: dog and cat dealers, large and small, have been obtaining these animals by any means open to them for a long period of time. The methods and the conditions under which many of them operate are urgently in need of reform. Animals may be dishonestly obtained by a number of means, among them: (1) stealing animals from the owner's premises; (2) encouraging children to do this and give them to an older child for sale to the dealer; (3) masquerading as a dog warden or animal shelter attendant and picking animals up in a truck made to appear to be a legitimate vehicle; (4) advertising for animals which are supposedly to be placed in a good home or answering ads placed by owners and obtaining the animals under the pretext that they will be given a good home; and (5) luring animals off the streets.

There are also ways which are sometimes dishonest, sometimes not: (1) purchasing animals at auctions where animals procured in any of the above ways may be for sale; (2) purchasing animals from dog wardens legitimately (that is, with the knowledge of the community and after the animal has been held for the necessary time to allow the owner to reclaim it) or illegitimately (that is, by giving the dealer the key to the pound so he may select from among the animals there the type for which he has orders from laboratories or selling them to him without holding the animals the required time); (3) dog wardens sometimes operate as dog dealers themselves. For example, the *Lexington (Ky.) Leader*, August 18, 1960, carried an illustrated article headed, "Health Department Investigates Taylor County Dog Warden's Pen," in which it is stated that this dog warden "purchases dogs from surrounding counties. He sells the dogs to laboratories, sometimes moving up to 60 dogs a week." The article continues. "A *Leader* reporter described the pen as 'filthy.' Dr. DeSimone described the situation as 'terrible as far as dog lovers are concerned.' However, she added that the health department could take action only if a public health hazard was created. She said the setup had been investigating in 1954 and certain recommendations were made at that time." In short, existing law and law enforcement were proved over a 6-year period to be inadequate to deal with this situation.

Though we do not believe this is a common practice, some laboratories advertise regularly for animals. For example, this advertisement has reportedly appeared every day for the past 10 years offering \$2 for cats and \$2.50 for pups. That it leads to the obtaining of animals on false pretenses is demonstrated in a report in the *Des Moines Register*, January 31, 1964: "Answering a call from a farmer Wednesday evening, Deputy Sheriff Lewis Trusty was on hand when two men about 21 years old drove into the farmyard to get some cats they had been promised. They had told the farmer they had a place of their own that was overrun with mice and wanted the cats to do a mousing job. The farmer became skeptical because the same car with an out-of-county license had stopped at other farms along the road soliciting cats. Trusty said there were about 10

cats in a gunny sack in the back seat of the car. The two men said they actually were getting the cats for a Fort Dodge laboratory that was paying \$2 each for the animals. They said they were unemployed and had made \$40 the day before."

Opponents of H.R. 9743 and similar bills have circulated a report which states that the bills "were written and sponsored by antivivisectionists and their less outspoken allies long associated with the sabotage of animal science" (in fact, the bill was written by lawyers from the U.S. Department of Agriculture at the request of Congressman Joseph Y. Resnick, who, prior to his election to Congress, was a scientist-inventor) and that "11 States and 30 communities, including most of the major medical centers, have adopted laws that both protect pet owners and guarantee an adequate supply of animals for study * * *." The States having these laws are listed: "Massachusetts, Connecticut, New York, Ohio, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Oklahoma, and Utah."

It is of interest, therefore, to observe the use of dog dealers and reports of pet theft in these very States. Iowa has such a law, yet the ads mentioned above appear there; and Minnesota dog dealers ship to laboratories in Iowa. Minnesota has such a law, yet as is clear from testimony submitted by humane workers in that State, it is one of the worst so far as bad dog dealers are concerned. New York has such a law, yet the very incident which caused Congressman Resnick to decide to introduce legislation on this subject relates to a Pennsylvania dog, transported by a Pennsylvania dog dealer to a laboratory in New York City. Wisconsin has such a law, yet this is the State in which one of the big dealers so terrorized persons who were able to prove that he had transported stolen cats to an out-of-State laboratory that he has been left alone for years. Utah has such a law, yet one of its leading humanitarians who made the first effort for State humane slaughter legislation in that State personally saved her own dog from theft in front of her house. Massachusetts has such a law, yet the New York high school teacher who was using his little daughter as a procuress for cats was working with a fellow cat salesman in Massachusetts. Illinois has such a law, yet dog dealers selling to laboratories in that State go as far afield as Tennessee to buy dogs to supply Illinois laboratories.

Nor do these examples tell the whole story. Other witnesses will report fully on the infamous Dierolf Farms, of Boyertown, Pa.; but I would like to report on our observations of animals in New York laboratories which come from Dierolf. A major client is the Downstate Medical Center of the University of the State of New York whose veterinarian has repeatedly stated that he regularly buys twice as many cats as he actually expects to have requisitioned for research because he counts on a 50-percent mortality of these animals.

In 1961, I somewhat naively wrote to Mr. James Fendrick, whom we knew when he worked for Smith, Kline & French and who I understand is now executive head of Dierolf, noting a "complaint to us from one of the laboratories to which Dierolf supplies cats. They say the cats are very thin, that they are often sick, and in the summer they are laden with fleas." I suggested that the price of the cats be raised so that they could be provided in a good state of health (the laboratory was paying \$4.50 per cat but spending \$4 more on each cat to give them temporary protection against cat distemper). I never received an answer to my letter. The laboratory which had asked us to complain was the New York Eye and Ear Hospital. In the course of one of our visits there, we insisted that water be supplied to the animals, little realizing how desperately they needed it. The animal caretaker, angry at being forced to give the cats a bowl of water, roughly seized a large cat and shoved it down in front of the water bowl shouting, "Drink." Those who know cats will realize that these animals are not naturally obedient and that they resent rough handling. I fully expected to see the cat rush away. On the contrary, when it saw the water, natural feline behavior ceased. It sat there and drank and drank more like a horse than a cat, so extreme was its need for water. Other cats joined it. I hope I shall never again see cats as thirsty as these. They came from Dierolf Farms.

However, it would be wrong to blame Dierolf Farms alone for this great thirst. The laboratory, just as much as the dealer, should have provided that least expensive but most essential of all necessities for animals, water.

Thus H.R. 9743 and other bills being considered today (with the exception of H.R. 9750, which denies the Secretary of Agriculture the right to set standards for the care of animals in laboratories) would provide a badly needed authority to require proper care of animals in laboratories as well as in dealers' premises and in transit.

Our inspections of laboratories show how great the need is for the setting of such standards. In a recent report on laboratories receiving Government grants,

the Animal Welfare Institute listed laboratories, many of which receive several million dollars every year from Government funds but which exemplify bad conditions, in the following typical categories:

1. Cages too small for animals to stand or lie in normal position.
2. Failure to administer pain-relieving drugs after surgery.
3. Failure to destroy suffering, moribund animals.
4. Failure to supervise animals after surgery.
5. Failure to provide a comfortable resting place for animals.
6. Repeated use of the same animals for painful procedures.
7. Failure to provide water.
8. Failure to identify animals.
9. Immobilization of unanesthetized animals.
10. Filth.

Rather than limiting the right of the Secretary of Agriculture to set standards on the care of dogs and cats by laboratories as well as by dealers, this distinguished committee may wish to consider the question of extending the coverage of the bill. Dealers in dogs and cats often deal in other animals as well. For example, here is a photograph of a sick, ill-housed rabbit, bleeding from the neglect and mistreatment it received by Zoologicals Worldwide (the dog dealer whose cruelty put him out of business), which had contracts to provide animals to such great institutions as the National Institutes of Health. It also was listed in the NAS-NRC Directory as supplying creatures as small as hamsters and as big as gorillas to scientific institutions. Our examination of the problems of supply of other laboratory animals, especially monkeys, shows that dealers in these animals are badly in need of regulation, too. The carelessness and callousness exhibited by dealers who import wild species has led to the same kind of high mortality that Dierolf's cats have shown. In fact, it was only through recognition of financial loss and scientific inaccuracy by the Parke-Davis Co., who were importing large numbers of monkeys at the time, that it was possible to obtain a change in the transportation system. Two Parke-Davis representatives and an Animal Welfare Institute representative paid a surprise visit to the airport at about 2 a.m. to observe the arrival of a plane-load of monkeys. The AWI reports were proved accurate; and Parke-Davis made major changes, including direct flights to Detroit rather than to New York. Had reasonable regulations been in effect from the beginning, the number of monkeys dying after their arrival at pharmaceutical firms would have been greatly reduced. This is just one example of the desirability, from the point of view of enlightened self-interest, of giving humane consideration to animals for sale to research institutions.

The most thorough study so far given to this entire subject is contained in the Departmental Report on Experiments on Animals, by a British governmental committee, published in April of this year and informally known as the Littlewood report after the chairman, Sir Sydney Littlewood.

Under chapter 26, "Future organization of supply," the recommendation is made: "We recommend, therefore, that the Secretary of State should be empowered, subject to consultation with the interests concerned, to prohibit the use of laboratory animals (other than monkeys and animals of farm species) not bred for the purpose in registered laboratories or breeding units outside laboratories." A recommendation for licensing dealers and breeders of laboratory animals is also made, with the suggestion that the collection of unwanted dogs and cats by collectors approved for this purpose, licensed, and inspected by the home office, should be used "unless or until it is decided to confine the use of cats and dogs in laboratories to those specially bred for the purpose."

There is, in this country, a small but growing number of breeders of dogs for laboratory use. Advertisements for beagles bred for the purpose are to be found in scientific journals today, though 10 years ago such advertisements were not to be seen. Undoubtedly, scientific accuracy would be increased by the use of dogs and cats of known genetic background, free from disease, parasites, and the results of possible unknown injuries and previous diseases. The Food and Drug Administration has long bred beagles for the long-term tests it runs on food additives. FDA points out that the additional expense is far more than repaid, for a single animal may have tens of thousands of research dollars concentrated on its response. The beagles which have been bred at Beltsville for many years are now housed there also as test animals in a model facility providing inside kennels connecting with outside runways for the dogs.

With the very large sums now available to laboratories for experimentation on animals, it is decidedly wasteful in the long run to pinch pennies in the manner so often done in the matter of procurement, care, and housing of the animals.

Britain, which spends but a tiny fraction of what we do on animal experimentation (and yet has received more Nobel prizes in physiology and medicine per capita than the United States), does a far better job of keeping the animals comfortable and healthy, even under sometimes adverse circumstances in old buildings unsuited for the purpose. The main reason for these higher standards is the fact that since 1876 animal experimentation in Britain has been regulated by a law which provides for the inspection and registration of laboratories, the licensing of each individual scientist who experiments, the requirement that he keep adequate records and submit them to the home office so that the humane requirements, including the prohibition of severe, enduring pain, can be enforced. Work by students must be painless, and the result is a more responsible attitude toward animals in laboratories. Abuses of the type that I have seen all too often in this country have never met my eyes in British laboratories. Though the British act is a moderate law approved by the scientific community, it has been highly successful in preventing needless animal suffering. The organizations I mentioned at the beginning of my testimony, the Animal Welfare Institute, the Society for Animal Protective Legislation, and the New York State Humane Association, all stand for the basic principles of the British act and hope to see legislation containing them enacted in our country. The Littlewood report clearly demonstrates the support of British scientists working under the act, for its humane provisions, and we shall continue to work for enactment of legislation containing them.

There is a vast area badly in need of regulation, from theft to transportation, to care, to use. Only by witnessing the conditions can one become fully aware of the tremendous need. We earnestly hope that this distinguished committee will act as effectively in this field as it did in the case of humane slaughter legislation, the greatest single legislative action for the prevention of needless suffering ever accomplished, for it has affected more animals than any other animal protective bill ever enacted in this or any other nation. Great numbers of humane citizens who oppose cruelty and who are sympathetic with the feelings of the owners of stolen animals will be deeply grateful to you.

Mrs. STEVENS. I have an exhibit, which, possibly, some of the members would like to see the pictures contained in it at this time. And there are a number of tables in addition.

Mr. POAGE. We will be glad to do so.

Mrs. STEVENS. The first consists of pictures taken in Ogdensburg, N.Y., of an establishment called the Blue Ribbon Kennels, which has since gone out of business.

A more recent case, also in New York State, is that of a high school teacher who reportedly taught his little daughter, a child of about 6 to lie to trusting cat owners, telling them her parents needed cats for their farm in order to catch mice.

We have had several reports of this same way of catching cats.

Another very common thing for thieves to do when they are challenged is to threaten lawsuits. This did happen in the case of this high school teacher. This is a case in which I have all the records. And I would like to submit additional material on what Dr. Brewer just stated, not only are lawsuits threatened but also in frightening.

You will find in my statement numerous other references to this type of situation where, for example, up to 18 or 20 animals disappear in a single night in a particular area.

Many dogs and cats have been missing for a very long time.

For example, we have this publication entitled "Laboratory Animals, Animals for Research, a Directory of Sources of Laboratory Animals, Equipment, and Material, a Report of Institute of Laboratory Animal Resources, National Academy of Sciences, National Research Council, 1964."

This directory is a kind of advertisement for dealers. And no standards of any kind are required and it costs nothing to have your name, address, and telephone number appear in it. The notorious

Zoologicals Worldwide reported on fully in the testimony of the president of the Virginia Federation of Human Societies, was listed in the directory. At the time it went out of business under pressure of a criminal conviction for cruelty to animals and advertisement of paid publicity.

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In fact, the bill was written by lawyers from the U.S. Department of Agriculture at the request of Congressman Joseph Y. Resnick, who, prior to his election to Congress, was a scientist-inventor, and that "11 States and 30 communities, including most of the major medical centers, have adopted laws that protect pet owners and guarantee an adequate supply of animals for study." The States having these laws are listed: Massachusetts, Connecticut, New York, Ohio, Illinois, Wisconsin, Minnesota, Iowa, South Dakota, Oklahoma, and Utah.

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I thank you.

Mr. POAGE. We will next hear from Dr. Leonard Procita.

Dr. PROCITA. I will yield my time to Dr. Kubicheck.

Mr. POAGE. Very well, we will hear from you now, Dr. Kubicheck.

STATEMENT OF DR. WILLIAM KUBICHECK, UNIVERSITY OF MINNESOTA MEDICAL SCHOOL

Dr. KUBICHECK. Mr. Chairman and members of the committee, I have the rank of professor at the University of Minnesota Medical School. For the last 18 years I have served as the chairman of the animal hospital committee charged with the responsibility for procuring animals for the University of Minnesota research needs, and for the subsequent care and use in the university facilities. This includes the University of Minnesota Medical School, their school of dentistry, the institute of agriculture, and the college of veterinary medicine as prime users.

Currently, we are using between 8,000 and 9,000 dogs a year and on the average for the past 18 years, we have, probably, used about 5,000 dogs per year. So in the last 18 years we have used between 80,000 and 90,000 dogs, total.

Currently, about one-third of our dogs and cats come from local animal pounds in the vicinity of St. Paul and Minneapolis. We have had to do this over the objection of the Animal Rescue League and the Minnesota Humane Society in past years. In the late forties and early fifties the Animal Rescue League.

The Animal Rescue League of Hennepin County ran the animal pound under contract for the city of Minneapolis, and they killed almost as many animals as we used for research.

I was pleased to hear that Congressman Resnick omitted section 3, making it mandatory for research facilities to be licensed, as well as for his other gracious considerations. I agree fully with the statement that Congressman Resnick made that it is a moral field, and under any circumstances it should be observed, and I would like to suggest some changes in this bill to make it more effective.

First of all, I think fundamentally the bill does discriminate against scientists and research institutions. Moreover, it would be extremely difficult to administer this law, because of the restriction as to research use of these animals which makes it more difficult for the prosecuting law officer to prove the case. He would not only have to prove theft—if he proved theft beyond any doubt for a cat or a dog, he would, in addition, to prove that this dog and cat was intended for research use. And furthermore, I presume that he would have to prove that it either did or was going to cross a State boundary.

It is my understanding that this law would not pertain to interstate operations. So if I may very quickly, Mr. Chairman, suggest that the title of the bill have stricken from it the words, "Intended to be used for purposes of research or experimentation," and the title merely read, "To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats, and for other purposes."

Again, I will quickly indicate the lines rather than the words. On page 1, lines 5, 7, 8, and 9, they have purposes, and persons and organizations for research and experimentation. I think it would be better with the general term of ending with the words, "handling of dogs and cats."

On page 2, lines 14, 15, 16, and 17, the reference to "dogs," describing the dog as an animal that could be used "for use or intended to be used for research tests or experiments at research facilities," is rather

unnecessary. It would add terrible confusion, because under this it is not a case under this term of the bill such if it is being used for experimental work. I think that is unnecessary.

In lines 19 through 24, page 2, and lines 1 and 2 on page 3, they could be omitted.

Congressman Resnick has already omitted section 3 on page 3. And if we strike "research facilities" out of line 23 on page 3, we should use the terms "individuals or organizations for sale of dogs and research facilities."

So that we would eliminate on line 23, "and research facilities" and on line 24, "provided, however, that this," and then going to page 4 eliminating lines 1, 2, and 3.

In section 6, on line 5, we would eliminate, "or to research" and on line 6 the word "facilities."

And in section 7, eliminate, "research facilities and".

In line 23, eliminate, "or to a research facility," and in line 24, eliminate, "or by a research" and on line 1 on page 5, eliminate the word "facility" and add after the word "no" in that line, "individual or organization" and eliminate, "research facility".

And in line 12, eliminate, "a research facility or" and in line 14, eliminate, "research facility or".

And on page 6, lines 6 and 7, eliminate, "research facilities and".

Mr. POAGE. Your time has expired.

Dr. KUBICHEK. Thank you.

(The reprinted copy of H.R. 9743 with the suggested changes follows:)

A BILL To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats, it is essential to regulate the transportation, purchase, sale, and handling of dogs and cats.

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia, or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

(d) The term "cat" means any live domestic cat (*Felis catus*).

(e) The term "dog" means any live dog of the species *Canis familiaris*.

(g) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce.

SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

SEC. 5. The Secretary is authorized to promulgate standards to govern the handling and transportation of dogs and cats by dealers to promote their health, well-being, and safety.

SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce shall be marked or identified in such manner as the Secretary may prescribe.

SEC. 7. Dealers shall make and keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats, as the Secretary may prescribe.

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 9. No dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal.

SEC. 10. Dogs and cats shall not be offered for sale or sold in commerce at public auction or by weight; or purchased in commerce at public auction or by weight. No individual or organization shall purchase any dogs or cats except from a licensed dealer.

SEC. 11. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 12. Any person who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than \$10,000.

SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such dealer as well as of such individual.

SEC. 14. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary may suspend such dealer's license temporarily, and, after notice and opportunity for hearing, may revoke such license if such violation is determined to have occurred.

SEC. 15. If any provision of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 16. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued to dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 17. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after enactment.

Mr. POAGE. The next witness is Mrs. Robert L. Dyce.

STATEMENT OF MRS. DOROTHY DYCE, DETROIT, MICH.

Mrs. DYCE. Mr. Chairman and members of the committee, inasmuch as I have only bought 5 minutes, I will submit my statement for the record and I will give my time to Dr. Richard Pearce from Detroit, who has just arrived.

(The prepared statement of Mrs. Dorothy Dyce follows:)

STATEMENT OF MRS. DOROTHY DYCE, DETROIT, MICH.

Mr. Chairman, members of the committee, I am Dorothy Dyce, of Detroit, Mich., and I am here to submit testimony in favor of the passage of House bill H. R. 9743 which has been introduced by Congressman Joseph Y. Resnick.

As a laboratory animal consultant for the Animal Welfare Institute, I have visited 94 laboratories where animals are used in scientific research.

In April of this year I was appointed by Governor Romney to serve on the Advisory Committee for the Humane Use of Laboratory Animals in the State of Michigan. Our Michigan law which has been in existence since 1947 requires that laboratories using live animals for experimentation be licensed. Its enforcement rests with the State commissioner of health. Our highly respected State health commissioner, Dr. Albert E. Heustis, has done an admirable job of enforcement. He has, on numerous occasions, placed laboratories on probation for violating the rules and regulations of our Michigan law. Such a licensing law has not proved a hardship in Michigan. In fact, the licensing provision, in conjunction with rules and regulations pertaining to the humane treatment of

laboratory animals, has brought about vast improvements in Michigan laboratories.

A recent front page story in a Detroit newspaper told how a little girl's pet dog had been stolen and ended up at Wayne State College of Medicine in Detroit. As the newspaper story relates, an unidentified man called the Detroit Free Press and said his conscience bothered him because he had sold the little girl's dog to a medical school even though the dog had worn a tag with his name and the address and telephone number of his owner.

Shortly after this incident, I received a telephone call from a lady in Jackson, Mich., asking me to investigate a dog dealer in her area. (Names will be supplied upon request.) Upon investigating this dealer, I found that his dogs are kept in a filthy garage. The dogs were walking in excrement which literally covered the dirt floor of the garage. Other dogs were chained to makeshift doghouses at the rear of the property. Rusty cans served as water containers. Most of them were empty—others contained a little water, most of it unfit to drink.

This dealer boasted that he had a key to five different dog pounds and that he can go into the various pounds at any time and get the dogs he wants.

However, the dogs from the pounds do not meet the demand, and when they have an auction known as "Trade Day," he drives all the way to Texas to buy more dogs. Here, he said, dogs are penned according to size and weight. Large dogs go for \$4 each—the smaller dogs can be bought for \$2 each. On his last trip to Texas, he said he bought 200 dogs. The smaller dogs weighing between 20 and 25 pounds are packed in turkey crates for the long trip back to Michigan. He said he can get four or five dogs in each turkey crate. They are packed in this manner and transported across six States—a distance of approximately 4,000 miles. It would be impossible to feed or water the dogs en route. With dogs packed so tightly, food or water could not be put into the crates, and the dogs would not be released on the highway.

A front page story in a Jacksonville, Tex., newspaper describes the operation of a "dog snatcher" and the horrible conditions under which he keeps dogs before he takes them to a nearby town for the famous Texas "Trade Day."

The newspaper reporter, Louise Broiles, tells, in her article, that the dogs are deliberately starved. Her description of one dog she saw is as follows: "On the road to the house there was the thinnest dog I ever saw with a broken rope around his neck. When honked at, he just fell over in a ditch and couldn't get up. His eyes were glassy and I feel sure he did not live the day out."

This is just one dog—what about the thousands of others who are bought at the Texas auctions and squeezed into turkey crates for additional days of starvation and suffering.

Is it any wonder that when these animals finally get to medical laboratories they are not fit subjects for research?

This horrible traffic in animals goes on and on because our State laws offer little protection to these poor animals.

Under our present Michigan law, dog dealers need not be licensed. I reported my investigative findings of the above-described Michigan dog dealer to the Michigan Department of Health. It was discovered that the State has no jurisdiction in this area and inspection would have to be at a county level. This puts the power of inspection in the hands of the local dog warden—the same man who supplies dogs to the dealer.

Because our laboratory licensing and inspection law works so well in the State of Michigan, the Michigan Federation of Humane Societies, of which I am vice president, sponsored State legislation to provide for licensing and inspection for animal dealers as well. Such a bill (Senate bill 217) was introduced this year. The bill has the endorsement of the Michigan State Veterinary Medical Association. Dr. Richard Pearce, past president of the Southeastern Michigan Veterinary Medical Association, is here today to testify on behalf of House bill H.R. 9743. He will tell you more about our Michigan efforts to license dog and cat dealers.

Michigan and Texas are not the only States where dealers thrive on misery and suffering. We have testimony from people all over the country who are concerned about this widespread nefarious practice.

On a recent trip to Minnesota, Mrs. Aaron Moses, of St. Paul, and I visited six of the so-called dog farms in the Minneapolis area. Mrs. Moses' written testimony has been submitted for inclusion in the hearing book for this legislation.

The conditions at these dog farms are so bad it is impossible to describe them. The Beise Kennels—one in Jordan and one in Hastings—sell dogs to laboratories. They also sell cats, although we did not see any when we were there.

One of their ads is deliberate misrepresentation. In the ad they ask people to bring their unwanted dogs and cats to the Beise Kennels where good homes will be found for them. Their ad does not mention the true facts, that these pets are sold to laboratories.

We visited both Beise Kennels—the one in Hastings on July 27 and the one in Jordan on July 29. At the Hastings Kennel we saw pitifully thin dogs chained to doghouses. Only one dog had any food—and none of them had water. The puppies are housed in cages in a small, poorly constructed building. We asked the attendant—a boy named Gary—why, on such a hot day, the dogs did not even have water to drink. At our insistence, he started giving water to the puppies. One group of small puppies were so thirsty, they were literally knocking each other down to get at the water.

The puppies are housed in wire cages supported about 2 feet from the dirt floor by wooden posts. The holes in the wire floor of the cages are so large that small puppies cannot walk without having their feet and legs go through them. As the puppies defecate, the droppings go through the wire and are deposited on the dirt floor below. The large accumulation on the floor attracted flies and other undesirable vermin.

The Beise Kennel at Jordan is just as bad. The dogs are chained everywhere—to doghouses, to stakes and some are chained to low wooden containers which are supposed to be doghouses. Some of the makeshift houses had no tops and there was no protection from the sun, the rain, or the freezing temperatures of the cold Minnesota winters.

Here again, the dogs had no food and no water. We asked the attendant—the same boy we saw in the Hastings Kennel 2 days before—why the animals were deprived of water on such a hot day. His answer was too profane to include in this testimony. He said, “After all, lady, this is a business we’re running.”

Mrs. Moses and I went to the county attorney, Mr. M. J. Daly, and described the insanitary and inhumane conditions just described. We wanted to sign a complaint charging the kennels with cruelty to animals. Mr. Daly explained that it is difficult to obtain a conviction on animal cruelty in Minnesota and that it would be virtually impossible unless we had photographs to offer as evidence. He warned us specifically that if we did not have photographs for evidence we might be sued for malicious prosecution. Since we had no photographs, we could not pursue our efforts in this direction. The county attorney did, however, send a warning letter to the Beise Kennels.

Mrs. Moses and I went to the Schoeppler Dog Farm in Mayer, Minn., on July 29. After introducing and identifying ourselves, we asked Mr. Schoeppler if we could see the barn in which he holds his dogs. Mr. Schoeppler was hostile and said he wouldn’t show us anything unless we had a search warrant.

Mrs. Moses pointed out that inasmuch as Mr. Schoeppler is the local pound-master his barn should be open to the public.

We contacted the local deputy sheriff, Mr. Fred Quass, and asked him if we could gain admittance to this dog farm. When Mr. Quass arrived at the dog farm he admitted that he, too, brings dogs to Mr. Schoeppler and received \$1.50 for each one he brings in. Mr. Quass further explained that “his son lives next door to the Schoeppler place and he didn’t want to cause him any trouble.”

Mr. Schoeppler told us that he sells dogs to the University of Minnesota School of Medicine. He said he would not let us see his holding facility or anything else because personnel from the university told him “if anybody comes snooping around, don’t let them on your premises.”

That same afternoon we went to another dog farm, O’Malley’s, in LeCenter, Minn. Mr. O’Malley has been breeding, buying, selling, and trading animals for medical research for almost 40 years. We saw tiny puppies jammed into suspended wire cages, their feet and legs dangling through the wire openings of the cage floor. Two large mongrel dogs were jammed into a box no larger than an orange crate. This was obviously a shipping crate, the sides and top were wire. One of the dogs, a large black mongrel, could not even sit up straight. He was in a crouched position—it was impossible for him to stand and neither of them could lie down.

We arrived at O’Malley’s a little after 5 p.m. on July 29 and even though we saw conditions which constitute cruelty and violate every degree of decency, we knew we could not have this man arrested without photographic evidence. That night we engaged a photographer and returned to O’Malley’s the next afternoon.

As we drove into the driveway we saw that the two dogs were still squeezed into the small packing crate we had seen them in the day before. Dogs were everywhere—chained to boxes, crates, and stakes. Some were enclosed in cages which were on the ground and in the trees.

These photographs do not do justice to the horrors we saw at O'Malley's. They were taken from a distance and do not show the filth. Unfortunately, we were not able to get a photograph of the large dogs in the shipping crate described above. They do, however, show the clutter and the wretched conditions of a typical dog farm. This is the way the dogs are kept before Mr. O'Malley ships them off to the University of North Dakota, to Fort Dodge, Iowa, and to other laboratories.

Mr. O'Malley has been operating in this manner for 40 years. Unless Federal legislation is passed, he and other such dealers, will continue to operate in this shameful fashion.

On August 2 Mrs. Moses and I visited the Cutbirth Farms, sometimes called Pet Placement Service, at Maple Grove, Minn. The dogs here are kept in corn cribs, in primitive kennels, and in an old barn. We saw dogs who were nothing but skin and bones. Here, too, none of them had food or water.

We heard a commotion and turned to see some dogs fighting over an empty feed bag. An emaciated nursing German shepherd was so hungry she was greedily licking an empty feed bag. All she was getting was a smell from a bag which had at one time contained food.

I respectfully submit copies of six letters of complaint about the Cutbirth Farm. The originals are on file with the police department in Maple Grove. Mr. Cooley, in his letter, describes seeing the remains of a puppy in one enclosure; a small black head and bits of black fur. On his visit, he also saw the food which is fed to the dogs. It consists largely of blood and beef innards.

The Chickmere Kennels in Coon Rapids, Minn., is a collection center for dogs which are picked up in the immediate area. We were not permitted to view the dogs which are collected every 3 days by a driver from the University of Minnesota School of Medicine. We wonder how many of these so-called unclaimed dogs are trucked away before the owners have a chance to claim them. Inasmuch as the University of Minnesota Medical School allegedly uses approximately 50,000 dogs a year, the collections would, of necessity, be frequent.

Mr. O. L. Beckham, a well-established dog dealer in Joplin, Mo. is actively engaged in dog auctions. He even runs his own dog auction as the ad in this exhibit discloses. On July 22, 1957, one of his drivers, Andrew Lawson, was arrested and convicted for cruelty to animals in Independence, Mo. He was arrested for packing 50 dogs into a 1952 Chevrolet two-door sedan. The photographs in this exhibit will show you how the dogs were crammed into crates. Thirty-three dogs were in wired-shut crates behind the front seat and 16 dogs were in the crate in the trunk. Three of the dogs were dead. The photograph shows two of the dead puppies as they were found in the bottom of the crates.

This shipment of dogs was going to the Anchor Serum Co. in St. Joseph, Mo. On my visit to the Anchor Serum Co. on August 16 of this year, I was told that they still buy their experimental dogs from Mr. O. L. Beckham.

On August 17 I visited General Hospital in Kansas City, Mo. The dogs there, I would like to say, are treated with compassion. I saw a half-grown puppy who was permitted to run about in the laboratory because it was so frightened when it was delivered by a dog dealer. When I left the General Hospital I went directly to see the dealer who supplies dogs to this hospital, a Mr. Dale Sappington of Kansas City, Kans. When I arrived at this farm the handyman told me that Mr. Sappington was out with his truck delivering dogs. A dead puppy remained—it was left behind in the filthy iron trailer shown in this photograph.

The snapshots in this exhibit were taken by Mrs. Wyatt, president of the Kansas City, Kans., Humane Society. They were taken last summer when Mr. Sappington went away and left the dogs without food and water. Mrs. Wyatt and one of the humane society employees went to the dog farm daily to feed and water the animals. She told me that the small puppies were starving.

Mr. Woodrow Huffstutler of Berryton, Kans., is an established cat and dog dealer. On October 8, 1964, he was arrested for cruelty to animals when he was stopped while delivering dogs to a laboratory in Kansas City. Mr. Huffstutler pleaded guilty to the charge. Police Chief Flaherty said the truck was filled with a number of all kinds and breeds of dogs. The police chief said that he had investigated the case because he was interested in the ownership of the dogs, as a number of hunting dogs are stolen during season.

In a conversation with Undersheriff Wayne Schmille of Lawrence, Kans., on August 19, he told me that a valuable coon dog which belonged to a man in Lawrence had been stolen. At Undersheriff Schmille's suggestion, the man drove the approximate 20 miles to Berryton where he found his coon dog tied to a tree on Mr. Huffstutler's property. A letter from Undersheriff Schmille confirming this statement to the committee is forthcoming.

I respectfully submit for the record a letter written to the Animal Welfare Institute from Mrs. Donna M. Ray of Valley Center, Kans. This exhibit also shows a photograph of her English setter dog, who mysteriously disappeared 4 months ago. She describes her efforts to find her pet and her posting of a \$100 reward for his return.

Mrs. Ray describes her visits to dog dealers and to a dog auction. The snapshots taken by Mr. and Mrs. Ray show the area in which Mr. Fuzz Shipman, a dog dealer in Florence, Kans., keeps his laboratory dogs. As her letter indicates, on their first visit to Mr. Shipman's farm approximately 150 dogs were tied in an old farmyard—on their second visit, he had approximately 80 or 90. She also tells of her trips to various serum laboratories and the refusal of personnel there to let her view their dogs.

In conclusion I would like to tell you about another established dog dealer, Percy James, of Paris, Mo. This copy of the Shelbina Democrat, dated June 17, 1964, describes the shocking conditions discovered by Monroe Sheriff Mark Bodine and Paris City Marshal Al Skinner. They discovered dead and living dogs enclosed together in a small aluminum trailer. The dogs, the living, the dead, and the dying, were on chains measuring only a few inches in length. The dogs had been enclosed in this manner for 2 days that we know of (perhaps longer) without food or a drop of water. The temperature was in the nineties. According to the witnesses, it was at least 120° in the trailer.

When asked if he receives a bill of sale or a receipt when he pays cash for dogs, Mr. James replied, "No, I just get the dog like everybody else does."

Mr. Will Davis, who wrote the story about Percy James, wanted to testify before this committee today on behalf of H.R. 9743. He is press secretary to Governor Hearnes and because of a heavy schedule he was unable to be here today. He did, however, send this letter which we would like to enter for inclusion in the record. The last paragraph of his letter reads as follows:

"I regret that I cannot come to Washington to testify, and I am also sorry that I was unable to locate the negatives of the pictures taken during a visit to the farm. I sincerely hope that I never have to cover such a story again and that legislation is passed to at least make some of these despicable creatures lose their present immunity to punishment in States such as Missouri."

Sheriff Mark Bodine has come all the way from Monroe City, Mo., today to tell you about the suffering of the dogs in the hands of Percy James who was holding them in this manner because he had a "promised order" maybe to deliver 200 dogs on Thursday to a serum company.

(The various photographs, newspaper clippings, and letters are in the files of the committee.)

Mr. POAGE. Your statement will be inserted in the record. We will be glad to have you yield your 2½ minutes.

Mrs. DYCE. Thank you. The testimony about the dog dealer is concerned in these clippings which he was not able to show to you, but I will pass these around so that you may see these clippings. This dog dealer absolutely sells to laboratories, and as the newspaper clippings will indicate, among other laboratories, he sells to others. Because of the rather mysterious way that these dog dealers operate we have, unfortunately, been unable to find out what other laboratories he supplies. I wish that I could tell you that, but I cannot.

In connection with the case in Harris, N.J., of Mr. James, the dog dealer, I have a very lovely letter from Mr. Davis, who is first secretary to Governor Hearnes and, if I may, I should like to read the last paragraph:

I regret that I cannot come to Washington to testify. I am, also, very sorry that I was unable to locate the negatives of the pictures taken during a visit to the farm. I sincerely hope that I never have to cover such a story again and that legislation is passed, at least, to make some of these despicable creatures lose their present immunity to punishment in States such as Missouri.

I should like also, to have these passed around. This is a picture of the little aluminum trailer that this dog dealer kept the dogs in for days without food and without water. The temperature outside

was 90° and in that trailer the temperature was reputed to be something like 120°.

So that the purpose of this bill, yes, is a licensing provision, but, also, any man who treats animals like that will never receive a license, so that the purpose of this bill, yes, is licensing, but it is also, to deal with these other matters.

Talking about the theft matter, this is not something that is minor as our opponents would have you believe.

There is an item, in a newspaper about a little dog that was stolen in Detroit, a little girl's pet dog. This was in the Detroit Free Press. The man said that he was so sorry that he could not stand it, that he had sold this little girl's dog to a Detroit laboratory. And the dog was wearing an identification tag, with the name of the owner and his address on it. This is just one example. We do not have too much, because it is difficult to get evidence on these people.

Mr. POAGE. You have consumed your 2½ minutes.

Mrs. DYCE. I will yield then to Dr. Pearce. May I say in conclusion, that the dealers do go from Michigan to Texas and in the meantime they have four or five dogs en route.

Mr. POAGE. We will now hear Dr. Pearce.

STATEMENT OF DR. RICHARD G. PEARCE, DETROIT, MICH.

Dr. PEARCE. Mr. Chairman and members of the committee, it has often and correctly been said that one yardstick by which we measure the advancement of a civilization is that society's attitude and regard or disregard toward each individual's life in that society. Great nations have been brought to war to defend the principle of the dignity of living beings.

Here in the United States, we have closed our eyes and ignored the fact that our society unnecessarily tolerates callous and inhumane treatment of dogs and cats that are subsequently used for furthering our country's vast scientific research projects. Other people, at these hearings, will bring forth graphic evidence of this callous attitude.

I am a veterinarian engaged in the practice of small animal medicine in the Detroit area. My reason for coming here today is to express to the committee the need for licensing of people engaged in the collection and distribution of animals that are subsequently used in scientific research.

Veterinarians, as well as the local police forces, come in daily contact with people who have been victimized by dog thievery. Dog thievery is becoming more widespread each year, and the majority of stolen dogs find their way to these dog and cat wholesalers.

In the State of Michigan, the Michigan Veterinary Medical Association has gone on record in support of a bill similar to H.R. 9743. This bill was recently introduced into our legislature. As veterinarians, we devote our energies to the eradication of animal diseases and the promotion of animal welfare. And, as veterinarians, we believe the all-too-often appalling conditions that exist in these dog and cat collection stations, should be called to the attention of the public, and that appropriate legislation should be passed to correct this unnecessary cruelty to animals.

The unsavory conditions of some of these dog dealers' establishments have in recent months been given nationwide attention by the

press. For those who are not aware of this situation I would like to describe some of the barbaric conditions found in some of these dealers' premises.

Upon inspection by duly authorized humane officers, hundreds of starving dogs have been found crowded into small, dark, unsanitary, and dilapidated quarters. No food or water was in evidence for these poor, unfortunate animals. Dead and partially decayed dog bodies were seen scattered among the starving animals. The odor was so repulsive, that humane officers were literally nauseated during their inspection. A few yards behind one of these atrocious quarters, were found piles of charred dog bodies and skeletal remains of dogs that did not survive this brutal quartering. This hasty attempt at cremation was one dog dealer's method of trying to obliterate the result of his negligence. These examples are but a few highlights of the situations that will be further substantiated by others at this hearing.

Today, we look back to the infamous torture camps such as Belsen and Buchenwald hardly believing that such wholesale torture of human beings and disrespect for life itself could have existed in our times. Yet today, in this country, we are allowing the same kind of brutal treatment to exist by some dealers who collect animals for distribution to scientific research. Therefore, I urge this committee to support legislation such as proposed in bill H.R. 9743.

Mr. POAGE. Thank you.

Our next witness is Mr. Rohweder.

STATEMENT OF RALPH ROHWEDER, EXECUTIVE SECRETARY, NATIONAL SOCIETY FOR MEDICAL RESEARCH

Mr. ROHWEDER. Mr. Chairman and members of the subcommittee, I am Ralph Rohweder, executive secretary of the National Society for Medical Research. Perhaps more than anyone else, I have the duty to investigate matters that affect public understanding and support of experimental research in biology and medicine.

The news clippings we receive indicate that two incidents this year have provided the basis for almost all of the publicity used to generate interest in and support for the bill being considered here today.

The first was the arrest of an animal dealer in Pennsylvania not for illegal traffic in animals but for what was claimed to be substandard facilities for care of animals. Lurid stories appeared in a number of newspapers. The stories were based primarily upon statements attributed to the humane society official who was the arresting officer.

I had never heard of the animal dealer who was charged in this case, but because the publicity tended also to impugn the universities and hospitals that must use animals to protect human life, I attended the trial as an observer.

The most amazing thing that I observed at the trial was that the arresting officer who was quoted so widely in the horror stories denied under oath ever having made most of the statements. And he modified the one or two he did not repudiate altogether. Remember, now, this was the chief prosecution witness, the man who had preferred the formal charges.

The justice of the peace who had issued the warrant in the first place fined the animal dealer. The case has been appealed to a full-

fledged court of record where a trial has been delayed by repeated postponements requested by the humane society.

I have learned that two court reporters and two tape recorders transcribed all of the proceedings before the justice of the peace.

A second wave of publicity calculated to stir public indignation against both users and suppliers of animals for biomedical studies was based on alleged theft of a Dalmatian dog for sale to Montefiore Hospital in New York. In this case several agencies became deeply concerned. Hospital officials were alarmed at the possibility that there might be substance to the charges. The Pennsylvania Department of Agriculture, the agency responsible for administering the dog laws of the Commonwealth, launched an investigation. The Pennsylvania State Police conducted part of the investigation.

I would like to read for you what the Associated Press reported on the investigation.

The driver of the truckload of dogs, William Miller of McConnellsburg, Pa., said he had purchased the dog from R. B. Hutton of St. Thomas, Pa., who had gotten it from Jack Clark of Everett, Pa.

The county dog law enforcement officer in Everett, Fred Sponsler, said investigation showed the dog was raised by a man in Altoona, Pa., who had gotten rid of it because it was eating chickens.

Pennsylvania secretary of agriculture, Leland Bull, tells me that he will provide information for this committee.

In reporting these investigations to you I do not mean to deny the possibility of stolen animals being sold to dealers who then in turn might sell them to research institutions. I simply mean to indicate that the full truth has not been told by the proponents of this legislation. This committee should have every detail of the incidents that are advanced to provide the basis for radical new legislation.

Mr. RESNICK. I would like to have permission at this point to put into the record the complete and full story of the particular incident.

Mr. POAGE. Without objection you may have that permission.

(The information referred to follows:)

ADDITIONAL TESTIMONY OF CONGRESSMAN JOSEPH Y. RESNICK IN SUPPORT OF
H. R. 9743

Mr. Chairman, frequently some of the most odious and objectionable practices occur right under our noses without our knowledge until something happens to bring them to light, and then when the full story of these practices is revealed, we can only ask ourselves in wonderment, "How long has this been going on?" and make a determined effort to stamp out the evil.

The dognaping racket is a perfect example. I stumbled upon it almost by accident. A truck bound from Pennsylvania to New York was stopped in Easton, Pa., for a weighing inspection and was found to be carrying a large number of dogs, including Dalmatians, for which the driver did not have bills of sale. A man in Pennsylvania whose Dalmatian had been stolen read about this incident in his newspaper, and thought he recognized his Dalmatian in the photograph that was published.

The day after the truck was stopped the dealer produced bills of sale and was permitted to continue his journey with the dogs and told police he was bringing them to an animal farm in Ulster County, N.Y., which is in my district. The dog owner's wife, Mrs. Peter Lakavage, after seeing this report in the newspapers, traveled to the farm in Ulster County. When she arrived, the owner would not allow her on his farm without a warrant. Local authorities were reluctant to give her one. In desperation, she called the distinguished Senator from Pennsylvania, Senator Joseph S. Clark, Jr., and Senator Clark contacted me. After some difficulty I learned that six dogs, including the two Dalmatians, instead of being delivered to the dog farm in Ulster County, had in fact been delivered directly to a hospital in New York City.

By the time we called the hospital it was too late; the dog had been operated on and had died—a mere 4 days after the truckdriver had been apprehended in Pennsylvania. The dog had already been cremated and positive identification was no longer possible.

The case raised many interesting questions, such as: How can dogs be transported and sold by people who have no clear title to them? Why are dogs whisked across State lines, often in the dead of night, and disposed of so quickly that tracing them becomes an utter impossibility?

Why is there no regulation of the conditions in which these animals are transported, since they are generally handled in an absolutely inhumane manner by the dealers? What part do the hospitals play in encouraging the theft of dogs, since if pure-blooded Dalmations can be bought for about \$20 apiece they must certainly realize the questionable origin of many of these animals? Why are there no laws to punish the interstate shipment of stolen animals?

My involvement in this case led me into a study of the entire problem and I was amazed to find that there already existed a substantial body of evidence which proved conclusively to me that the theft of pets for sale to laboratories was a million dollar business conducted on a grand scale in most of the United States, and most laboratories were using a substantial number of stolen animals in their experiments. Furthermore, the U.S. Government has a direct concern here because so much of this research is financed with Federal funds.

My investigations convinced me of the necessity of legislation in this area, to protect the one out of every three families in the United States that owns a pet dog or cat. My pet protection bill, H.R. 9743, is the result of this work.

In Kansas City there is an organization known as Wayside Waifs, Inc. Over the years this high-minded and public spirited organization has battled against the evils of dognaping and inhumane treatment of dogs and cats bound for laboratories. The August 1965 issue of this organization's monthly publication, Wayside Waifs News, reproduces a number of heart-rending photographs showing the deplorable conditions in which animals are kept in cars and trucks by those who steal dogs, and the dealers who transport them.

Even without looking at the photographs the captions alone are enough to horrify us by their descriptions of the cruel conditions in which these animals, many of them stolen family pets, are kept. Please bear in mind that the photographs to which these captions apply were all taken in the Kansas City area, and that this is just a tiny fragment of what is evidently happening in many parts of the United States.

Caption 1: 50 dogs from Oklahoma, Kansas, and Missouri stuffed into two-door sedan; 33 dogs in wired-shut crates behind front seat (rear seat had been removed), and 16 dogs in trunk. Three were dead. Driver stopped in Independence, Mo., arrested by Wayside agents and fined \$100. Dogs taken to Wayside.

Caption 2: Three dogs in trunk were bleeding with red mange with eyes crusted shut.

Caption 3: Independence dogcatcher of a few years back sneaked out 10 dogs to sell to a dealer—5 in back and 5 in trunk.

Caption 4: Half-ton truck with 2 decks loaded with 99 dogs bound for Kansas City laboratories was stopped by Wayside. Driver said dogs bought at auction in Tennessee, held at dealer's farm in Illinois, then trucked to Kansas City. Conditions in the truck were ghastly, sick and apparently healthy dogs, old and young, large and small, vicious and timid, jammed together for a long overnight ride that must have been pure hell. By mathematical calculation, each dog had a space about 6 by 12 square inches, and many of them were 30- and 40-pound dogs. It took us 2 hours to reload them into four Wayside trucks. Driver fined \$200 and costs, but his boss in Illinois is still one of the largest dealers in the country.

Mr. PoAGE. Our next witness is Mr. Charles Clausing.

STATEMENT OF CHARLES I. CLAUSING, PRESIDENT, ANIMAL WELFARE ASSOCIATION, CAMDEN COUNTY, INC., N.J.

Mr. CLAUSING. Mr. Chairman and members of the committee, my name is Charles I. Clausing. I am president of the Animal Welfare Association of Camden County, Inc., which is a humane society serving southern New Jersey. We have been concerned about, and actively involved in, exposing pet stealing activities over a period of many months.

Present laws are inadequate for the protection of either pets or pet owners against pet stealing. The case of the Camden City Pound is an example. Employees of the pound regularly sold animals from the pound to middlemen who delivered them to a laboratory animal dealer. Our society kept the pound under surveillance to establish this pattern; we identified the middlemen and followed a delivery of animals directly to the dealer. This dealer is James Williams of Franklinville, N.J.

We exposed the operation to city officials and with their complete cooperation eight arrests were made including pound employees, middlemen, and dealer. Several of the men signed statements detailing their participation in these activities. The case went before the grand jury and a "no bill" verdict was returned. Nevertheless the county prosecutor advised us that, "it was established beyond any doubt that some or all of the employees participated in the transfer of these animals." The prosecutor further pointed out that, while the law required dogs to be held for 7 days after pickup, there was no penalty cited for failure to do so.

Consider the lady whose dog disappeared. She called at the pound faithfully every day and was assured that notification would be sent if her dog was found. Actually she thought she heard the dog bark at one point. She was not allowed to look at the dogs. After the arrests her dog's license tag was found in the debris at the pound among many others.

There is presently no deterrent to this happening again with the participants going legally free. All of this is a matter of public record.

Our society keeps an extensive record of lost and found pets gleaned from newspapers and direct reports to us. We follow up each case with the pet's owner. Statistically speaking we find that no more than 1 person in 10 advertises for their lost pet. From this we can project a pretty clear picture of how many animals are being stolen. By this measure there was a sharp decrease from a high point in the number of animals disappearing after the Camden arrests. Since that time the number has steadily increased again. As many as six cats have disappeared from a neighborhood in one night. A clear pattern is indicated of pet stealing.

A steady flow of reports reaches us concerning animals disappearing from fenced in yards or actually being taken from a chain in the yard. Many of them have worn identification. Often dogs have barked and the owners have seen a car speeding away. Unfortunately, to date, the owners have not been quick enough or observant enough to get a detailed description.

There are other abuses. Owners seeking lost pets are denied admittance to pounds and to the quarters of animal dealers. In other cases a phone call to a pound has elicited a flat denial that a particular animal is held there. A later visit in person shows that the animal has been there all along. Every pet owner should have an absolute right to enter such establishments and search for his pet. Let me make clear that much animal pickup work in New Jersey is done by commercial operators who make a business of handling animals. There have been numerous denials of entry by the laboratory animal dealer involved in the Camden scandal.

As a humane society official, I have inspected the animal quarters of this dealer. The provisions for holding dogs were an unheated

shed with each dog being chained to a wall. The chains allowed the adjacent dogs to become entangled which happened while I was there. Any vicious animal could attack those near it. In one case a chain was so short that the dog could not lie down.

Here is a great need for humane standards for holding animals.

One of the middlemen involved in the Camden case admitted that there was no way of knowing how long animals might have been held that he resold to the dealer. One of the records kept by this dealer of an animal transaction says, "Received 19 dogs, signed Joe." This sort of record is not calculated to return a lost pet to a grieving owner. Incidentally this dealer ships animals into Pennsylvania and trucks and cars from a three-State area have been seen at his establishment.

We have information concerning several persons in our area who have stooped to pet stealing as a means of buying drinks or cigarettes. A legitimate bill of sale requirement would soon expose such persons for what they are.

In summary, we, as a local humane society, have uncovered many facets of animal and owner exploitation which could in large measure be curbed by good Federal legislation.

H.R. 9743, the Resnick bill, and other almost identical bills can fill this need. On behalf of the Animal Welfare Association, I thank the sponsors of this legislation and urge its early enactment. A copy of our resolution in its support is attached.

(The resolution referred to follows:)

Whereas illegal traffic in stolen pet animals has become widespread; and

Whereas great cruelty to both animals and their owners results: Therefore be it

Resolved, That the Animal Welfare Association of Camden County, Inc., unanimously supports the provisions of the Resnick-Pepper bills (H.R. 9743 and H.R. 9750) as a means of curbing such traffic and urges all humane-minded people to do likewise.

CHARLES I. CLAUSING, *President*.

Date August 5, 1965.

Mr. POAGE. Your time is up.

Our next witness is Mr. Louis Nangeroni, associate professor of veterinary physiology, New York State Veterinary College, Cornell University, Ithaca, N.Y.

STATEMENT OF LOUIS L. NANGERONI, ASSOCIATE PROFESSOR OF VETERINARY PHYSIOLOGY, NEW YORK STATE VETERINARY COLLEGE, CORNELL UNIVERSITY, ITHACA, N.Y.

Mr. NANGERONI. Mr. Chairman, distinguished members of the committee, I am Louis L. Nangeroni, associate professor of veterinary physiology at the New York State Veterinary College, Cornell University, Ithaca, N.Y.

Since H.R. 9743 concerns dogs and cats, I would like to give this congressional hearing a viewpoint from veterinarians involved in teaching and research. The New York State College of Veterinary Medicine at Cornell University, Ithaca, N.Y., has and does use dogs and cats for educational, research, and clinical purposes. It is felt that these main areas for the existence of our veterinary college would be hampered by the interference to interstate transportation of animals that enactment of H.R. 9743 would cause.

There is considerable communication between the veterinary college and institutions in other States. Transportation of dogs and

cats (from one State to another) for treatment and educational research is common. Restrictive measures on the transportation of these animals would make such procedures time consuming and tend to diminish ready access to valuable teaching material. This bill therefore is against better treatment of animals if such a treatment is yet new and somewhat in the experimental category and available in a facility in another State.

H.R. 9743 is also not in favor of animal welfare because of the limit the study of these cases by veterinary students and faculty members should have access to rare cases from other parts of the country and thereby enhance their experience and knowledge of diseases and how to treat them.

Another point is that there are many more States in the United States that do not have a school of veterinary medicine than do have. The inhabitants of those States would be placed into a group which would have greater difficulty of having their dogs and cats taken to another State for the better welfare of the animal.

The quality of instruction in colleges of veterinary medicine, in part, depends on an adequate supply of animals for instruction both in the experimental courses and also in the clinics. Restrictions on the transportation of such animals will lower the quality of instruction by decreasing the exposure of the student to as many cases as possible as under current laws.

Certain sections of H.R. 9743 will increase the cost of veterinary education by making those animals obtained more expensive. The greater the cost of veterinary education has two effects:

(1) A slower increase in enlarging the enrollment in a veterinary college and the eventual result of fewer veterinarians to treat the increasingly larger animal population.

(2) The greater the taxload on the public for education in medicine.

The Federal Government sponsors research through grants for investigation in medical research. This bill would interfere with the conduct of such research by restricting interstate movement of research animals. H.R. 9743 by causing the cost of research projects to increase would mean the denial of a number of grants due to decreased funds. Many of the present grants are in schools of veterinary medicine and if grants were not allowed some animal research would be impaired or not even conducted. It is obvious that this represents an unnecessary restriction on the betterment of the welfare of animals.

Therefore, for the above reasons I would recommend on behalf of the New York State College of Veterinary Medicine that H.R. 9743 and bills of a similar context not be enacted into law.

Mr. POAGE. Thank you very much. Our next witness is Mrs. Frank Shapiro.

STATEMENT OF MRS. FRANK SHAPIRO, CHAIRMAN, BOARD OF HEALTH COMMISSION, COUNTY OF LOS ANGELES

Mrs. SHAPIRO. Mr. Chairman and distinguished gentlemen, my name is Mrs. Frank Shapiro, chairman of the Board of Health Commission for the County of Los Angeles. I am not representing them here officially today (although I can assure you we are deeply concerned over this legislation that is being proposed) but as an interested citizen in our community. I am a member of a fine organization called

Citizens' Committee for Better Health and serve as a member of the Advisory Council of the Medical Research Association of California, a large membership organization that has outstanding research institutions as members.

We wish to go on record opposing H.R. 9743. Within our State we have fine laws that have been set up relating to the care of laboratory animals and in the years since this law has been in effect we have continued to expand the good care of animals in our research institutions. I am sure that you are all aware of the animal care panels that have been established throughout the United States and what a fine job they are doing. And in the State of California we have several panels functioning.

We have both city and county pound laws that offer protection to pet owners and at the same time release to accredited research institutions, animals for research. Under H.R. 9743, both the pounds and the research institutions would have to be licensed (which I doubt you could require a city or county pound legally to do). If this is the case, you would be closing the doors of animal shelters to our institutions and create a situation conducive to blackmarketing dogs and cats. Today if a pet owner loses his dog and it is picked up by the pound, there is a 5-day waiting period in which he has the opportunity to redeem the animal. Under this proposed bill it would be almost impossible to enforce the kind of laws that are suggested. The owner would have no central clearinghouse where he could look for his pet, but rather one of utter chaos running from one dealer to another trying to find his pet.

At the present time in California a bill is being studied that we feel Congress could well adopt, a law that protects pet owners and guarantees a proper, adequate supply of animals for study. Every State should have such a law. Then all our fine accredited research institutions will be able to carry on the very important studies that are so necessary to promote better health for both man and animal.

In closing, I would just like to call your attention to a bill, H.R. 5191, introduced by Congressman Edward Roybal, the State of California, that has the full support of the medical community and one that would do a real service to promote the best for research in the future.

Thank you.

Mr. POAGE. Thank you.

Our next witness is Mrs. Helen Jones, who was listed as an opponent. I mentioned this at the beginning of the hearing. Actually, she was the first one registered as a proponent and, therefore, in fairness to Mrs. Jones I will call on her now. She may be heard as a proponent of this bill, and that will be the last witness.

STATEMENT OF HELEN E. JONES, PRESIDENT, THE NATIONAL CATHOLIC SOCIETY FOR ANIMAL WELFARE

Mrs. JONES. Mr. Chairman, my name is Helen E. Jones. I am president of the National Catholic Society for Animal Welfare which has headquarters in Washington, D.C. The society's membership, which is not restricted to Catholics, is widely represented in every State and major city.

I speak in support of H.R. 10743, introduced by Congressman Helstoski, of New Jersey, to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of animals by dealers who are engaged in selling animals to research laboratories for experimental purposes.

Nationwide attention has been drawn in recent months to the infamous conditions under which dealers acquire, handle, sell, and transport animals to laboratories. As a result, it is proposed through the bills now before this committee that dealers be licensed and regulated by the Federal Government. We support H.R. 10743 as the best bill to effect that purpose for the following reasons:

It would protect not only dogs and cats but other animals sold by dealers to laboratories. To legislate for the protection only of dogs and cats, thereby excluding other species, as proposed in other bills, would be discriminatory.

H.R. 10743 also directs the Secretary of Agriculture to establish humane standards as the basis for Federal licenses and gives appropriate legislative intent as to the meaning of humane treatment. The licensing of dealers on the basis of humane treatment is essential to any legislation on this subject. I will explain why.

All of the bills before the committee require that dogs and cats be held by dealers for a period of 5 business days before sale and delivery to laboratories. The owner whose animal is missing will be very fortunate indeed if he can determine which of thousands of dealers in which of numerous States may have his animal. The owner, after realizing that the animal may not merely have strayed in the neighborhood but may have been stolen or otherwise acquired by a dealer, must first try to obtain a list of thousands of animal dealers which is not easy to do. He must then try to guess which dealer in which State is most likely to have his animal. Finally, he must obtain a search warrant for each dealer's establishment he wishes to enter and search. To accomplish all that in 5 days would be a notable feat. Usually the first thing a responsible owner of a missing animal does is insert a lost ad in the local newspapers and contact local animal welfare agencies and public pounds. He then understandably waits several days in the hope that the ads or calls to the shelters or pounds will lead to the recovery of the animal.

If those efforts are unsuccessful and he realizes that the animal may not be merely lost but have been stolen by a dealer, he has already lost days, perhaps the entire 5 days that the dealer would be required by the pending bills to hold the animals.

Since the recovery of animals cannot be guaranteed in a 5-day holding period—or indeed in any length of time, unless the owner has unusual resources for obtaining lists of dealers, covering several States and numerous dealers' establishments and obtaining a search warrant for each—it is essential that more be required of dealers than that they hold dogs and cats for 5 days. Therefore, H.R. 10743 requires reform of the conditions under which dealers now handle and transport animals. The very least that we can assure owners of lost and unrecovered animals is that if their animals are in the hands of a dealer they will not be subjected to the wholesale cruelty that now flourishes in the dealers' treatment of animals both in their establishments and in transport.

Moreover, the concern of humane people throughout our country is not limited to their own dogs and cats. It extends as well to the least fortunate of all animals, those that have no owners to claim and protect them. The person whose own dog or cat is safely in its home and well cared for wants protection and decent treatment for other dogs and cats, whether or not owned, and for rabbits, guinea pigs, hamsters, and other species now so cruelly abused by unscrupulous dealers interested only in profits.

Through a Federal license, animal dealers will acquire respectability and recognition which that industry does not now have. We are seriously obligated to insure that that license will effect a reform in the dealers' methods which now cause such suffering in animals and so outrage society's sense of decency. Otherwise the Federal license will be a hollow thing doing much for dealers and nothing for animals.

Section 5 of H.R. 10743 provides for the necessary reform of dealers' treatment of animals, so that the Federal license will have meaning.

Other sections of H.R. 10743 provide for inspection of both the dealers' establishments and transport, for prosecution and for revocation of licenses upon conviction.

As the intent of all of the bills is to regulate dealers, not the experimental use of animals by the purchasing laboratories, H.R. 10743 contains another important safeguard against confusion and misunderstanding about the jurisdiction of the bill. H.R. 10743 properly provides only for the licensing of dealers, not for the purchasing laboratories. Since none of the bills is intended to apply to laboratories, laboratories need not and should not be licensed under the legislation. Section 3 of H.R. 10743 clarifies that fact.

Legislation regarding laboratory animals has been pending in the Congress for more than 5 years and no action has been taken, largely as a result of lack of agreement among the public, humane organizations, and Members of Congress about the type of legislation required for the protection of animals in laboratories. Any effort to regulate both dealers and laboratories in the same bill will almost certainly delay legislative action. We, therefore, think it is important that dealer legislation be restricted to dealers, as is the case in H.R. 10743, to avoid confusion and disagreement.

The moral problems of the suffering caused animals by dealers and by research uses cannot be effectively solved in the same bill. We would stress that point, Mr. Chairman, and urge that no consideration be given by this committee to legislation which would apply to two such gigantic problems which cannot possibly be resolved in one bill.

We urge favorable action on H.R. 10743, because it is the most workable and effective form of legislation to regulate animal dealers and to begin the reform of dealer conditions which the public wants.

We cannot support H.R. 9743, Mr. Resnick's bill, and the identical or similar measures, because they are too vague and inadequate to justify a Federal licensing system. Concerned members of the public want protection for all animals, not just dogs and cats, and for owned and unowned animals that are so unfortunate as to fall into dealers' hands. H.R. 9743 and other identical bills fail to require humane treatment for any animals and the otherwise limited provisions of the bill, such as prohibiting sale by auction or weight, apply only to dogs and cats. If it is wrong to sell dogs and cats by auc-

tion or weight, it is obviously equally wrong to sell other small animals to laboratories by auction or weight.

The vagueness of H.R. 9743 is similarly apparent in its failure to direct the Secretary to do anything, even in the event of determination of violations. Throughout the bill the terms "is authorized" and "may" instead of "shall" are employed in reference to the Secretary's duties.

Another glaring deficiency is the failure of the Resnick bill to require inspection. But even the addition of an inspection requirement would not close the many other loopholes in the measure. Section 5 and other key sections are too deficient to make the bill worthy of enactment.

Members of the public who want the theft of owned animals and the abuse of all animals by dealers stopped would not find any of their just demands granted by the Resnick bill.

In conclusion, we urge on behalf of our nationwide membership and the concerned public that H.R. 9743 not be considered, in view of its total inadequacy, and that H.R. 10743 be favorably reported. H.R. 10743 is moderate but effective. It will begin reform of an industry whose disregard for the rights of animals and of owners of animals is a national disgrace.

Also, Mr. Chairman, I have a statement by Mr. David J. Lobel, which I should like to have permission to insert into the record and also, I would later like to submit the committee photographic evidence and a picture of a dog reportedly that died in an animal laboratory. And this is the cause of all of us being here.

Mr. POAGE. The statement of Mr. Lobel, together with the exhibits will be made a part of the record—the statement will be inserted in the record and the exhibits will be filed.

(The prepared statement of David J. Lobel follows:)

STATEMENT OF DAVID J. LOBEL, CHAIRMAN, PENNSYLVANIANS FOR HUMANE ACTION AND CHAIRMAN, DELAWARE COUNTY, PA., SPCA LEGISLATION COMMITTEE

Mr. Chairman, my name is David J. Lobel and I am a resident of Glen Mills, Pa. I am chairman of Pennsylvanians for Humane Action, an affiliation of 15 humane organizations in Pennsylvania, and also chairman of the Delaware County, Pa., SPCA Legislation Committee.

Under Federal support of research the growth in the traffic of animals for medical and drug laboratories has leaped to astronomical proportions in recent years. Estimates of the annual consumption of vertebrate animals range upward from 300 million. An unfortunate lapse in both local and national governmental control over the operations of animal suppliers and dealers has permitted a parallel growth in massive cruelty to animals which is shocking and inexcusable in any society having a religious and moral foundation.

As a Pennsylvanian I was deeply shamed by the disclosures of this past year which showed that my State is second to none in permitting brutal treatment of animals in an interstate traffic that involved as many as seven States. With other outraged volunteers, I joined in a campaign for improved State laws. At this time there is hope that a stronger anticruelty law and a new dog law will soon be enforced. While these will help considerably they are only partial solutions at best. Anticruelty laws must be enforced by humane societies that are typically small, independent groups supported by private donations. Their enforcement staffs are inadequate for the type of operations under consideration here. A State dog law, if properly enforced, could produce notable improvements only in respect to this one class of animals.

It is clear then that only the resources of a Federal agency would be adequate to cope with all the abuses of this new livestock industry. Let me cite just a few

outstanding examples from firsthand evidence of deplorable conditions under which this trade operates.

One major source of supply for both small and large dealers of Pennsylvania and adjacent States is the animal auctions operating in several southeastern counties. I recently visited three of the largest of these. I find that neither words nor photographic evidence (herewith submitted to the subcommittee with the request that it be made a part of the record of this hearing) can properly portray the degree of inhumanity to animals involved. From the conveyance of small animals by sellers to the callous handling and poking on the auction floors to the loading of overcrowded crates into every conceivable type of vehicle by buyers, the business is repugnant to normal human impulses. I watched youths blithely toting in their burlap sacks full of kittens and have seen others bumping their dogs, cats, rabbits, guinea pigs, and hamsters about in such containers as cardboard boxes, vegetable crates, and chicken crates. I recall one paper bag that contained two grown dogs and two upright chicken crates rigidly holding two 30-pound dogs. I counted no less than 20 cats squeezed into a chicken crate by a buyer who skillfully loaded up by means of a choke collar mounted on a rod. I have watched a full-grown goat pressed down into a car trunk. But probably the smaller the animal the worse the suffering. I have seen 24 pigeons crammed into a small grocery box, and discarded carcasses of suffocated guinea pigs are commonplace.

Under growing criticism some auction managements have installed such improvements as decent cages and even water dishes. But they have a long way to go to meet what can be considered minimum standards of humane treatment and sanitation. Sick animals are caged with the healthy. Young boys shove the crates up the auction line or load the trucks from 7 until midnight with a spirit of sport perverted from more desirable pursuits. Such early indoctrination will, of course, perpetuate the type of hardness typical of the adult auction worker or animal dealer. Their actions pattern those of men who grab animals from the crates as if they were balls of yarn or drop crates to the floor from heights of several feet. The auctioneers defend their laissez faire attitude toward the actions of buyers or sellers who are probably the chief offenders by saying "what they do is none of our business." Some auctions have wasted time by posting rules for crate size and handling of small animals. These rules are notable only for their universal disregard by the public and dealers.

How could conditions be otherwise in an atmosphere where small animals go for as little as 10 cents apiece and even a very large dog brings less than \$5? No effort is made to verify ownership of dogs and cats, and frequently such telltale signs as bell collars on cats or overfed, healthy-looking dogs give rise to the suspicion of illegitimate acquisition.

Even a brief sampling of dealers' trucks at these auctions verifies the interstate nature of the supply business. In a sample of 27 license plates, 23 were from Pennsylvania, 3 from New Jersey, and 1 from Maryland. At least one of the Pennsylvania trucks belonged to a dealer with a large interstate business.

Dealers who do not have easy access to animal auctions must seek other sources of supply. Obviously it is impossible to present meaningful statistics on what percentage of these sources can be termed legitimate acquisition. Public exposure of animal farm or dog kennel establishments is almost nonexistent, and State inspection has in the past been meaningless.

Yet the *Miller-Lakavage* case in Pennsylvania this past summer is a prime example of the governmental powers which foster larcenous acquisition and inhumane treatment. Even a cursory review of the photographs of the dogs which were briefly detained pending proof of ownership should convince any viewer that many of them were not discarded household pets sold for the few dollars claimed. Pennsylvania officials privately agreed to this opinion, but under the present dog law they were powerless to conduct a meaningful investigation of the case. Dealers are not required by this law to carry bills of sale during transportation. The 6 sales slips finally shown by William Miller could be decoded into a total of 35 animals, not 18. These illegible receipts were actually serving as kennel records, and one of them contained a spurious signature forged by a friendly kennel operator. Again the State was powerless to act in this case of fraud.

The acquisition trail of these dogs led back to one so-called dog-kennel operator who had never once bothered to keep kennel records. This person has been identified by many of his Bedford, Pa., neighbors as a fellow who liked to take jeep rides into the neighboring States of Maryland and West Virginia along with a companion so as not to be confined by just the scenic delights of southwestern

Pennsylvania. At the time of the futile investigation started by the *Lakavage* case, a West Virginia police chief had written to the Bedford, Pa., police for help in apprehending two men in a jeep who left his area practically stripped of pet dogs.

A humane agent in the Bedford area termed this man's kennel "the dirtiest in the State of Pennsylvania." Frankly, I doubt this because I have seen pictures of two other operations in eastern Pennsylvania which would probably put this one to shame. I have no doubt whatever that Federal regulation designed to meet the widespread abuses, only a few of which I have cited, will quickly drive the marginal operators out of business and force the remainder of the trade to clean house. I think that many of the dealers perhaps subconsciously feel there is something shameful in their methods, but the inertia of the past is just too much for them to overcome voluntarily.

My own experiences and those related to me by others convince me that a suitable law to regulate this enormous animal traffic will have at least these features:

- (1) Licensing of dealers must require compliance with minimum standards for humane care and treatment of animals during all phases of handling, whether in storage or transportation. Some guidelines of what constitutes humane conditions should be provided. All vertebrate animals should be included under such licensing.

- (2) Adequate inspection provisions should be specified for all phases of the commerce.

- (3) Adequate bills of sale as well as dealer records should be required.

- (4) Mandatory revocation of licenses should be based on violations of either this Federal law or existing State anticruelty statutes.

- (5) A suitable retention period by the dealer should be provided for animals also considered in the household pet category.

- (6) Public auction sales of all animals handled in the laboratory supply trade should be prohibited.

- (7) Prosecution should be brought in the circuit courts by U.S. attorneys on complaint by Federal agents or private citizens.

- (8) Only that part of the commerce which is brought under regulation should be licensed.

Since these features are all found in H.R. 10743, the new Helstoski bill, I strongly urge the subcommittee's support for this measure. I and the groups I represent feel that a loathsome disease needs a strong cure.

Mr. POAGE. Our time has been exhausted. The committee has heard all of those who were listed as being in opposition to this bill. Are there others here this morning who want to oppose the bills? The committee still has some 10 or 12 witnesses listed in favor of the bill who have not been heard. I do not know when it will be practical to attempt to continue these hearings. I do not think it will be practical this afternoon. There will be at least two votes on the floor of the House this afternoon. Mr. Resnick has a meeting in his office for members of this committee who care to attend. I want it understood on the record that this is not an executive session of this committee. The meeting in Mr. Resnick's office to which the members of the committee are invited is simply an informal meeting. This committee is not about to hold any executive session for the purpose announced. It is perfectly proper for a member to hold a meeting with any group. The members of the committee, I understand, are invited to Mr. Resnick's office at 2 o'clock.

Are there those here who feel that they must be heard and you cannot be here at a later date? Do you have a statement that you could file?

(From the audience, "I have some statements that I would like to file.")

Mr. POAGE. Without objection, all of those who are present and would like to be heard may file their statements for the record and may file any exhibits that they care to with the committee. The committee will, probably, hold further hearings at a later date, but I think that we will have to announce that later.

Dr. WAKERLIN. Would the Chair be willing to have the opponents of H.R. 9743 submit additional information and material for the record?

Mr. POAGE. I want to modify that statement. All those who want to be heard on either side may file their statements and include exhibits for the benefit of the committee.

Dr. WAKERLIN. Thank you, sir.

(The prepared statements of Representatives James C. Cleveland and Joseph G. Minish follow:)

STATEMENT OF HON. JAMES C. CLEVELAND, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW HAMPSHIRE

Mr. Chairman, I welcome this opportunity to support H.R. 9743 to make it a Federal crime to steal household pets in interstate commerce for sale to experimental research laboratories.

It is impossible to understand or even envision the sort of person who would steal pets for this purpose without any thought of the grief and anxiety they are causing to the owners, who are often children. It was, therefore, hard to believe that any legislation of this sort should be needed. Yet, it has been made plain that there is need. Information furnished to the public and this committee has shown that the practice of stealing pets for sale to research institutions is widespread. It is a despicable practice.

Enactment of this legislation would make it a Federal crime to steal a family pet for sale to a laboratory; in addition, all dealers in dogs and cats who supply animals for laboratories would be required to be licensed by the U.S. Department of Agriculture; all users of animals for experimental purposes would be required to maintain proper standards of care for these animals. Persons convicted of violation of these regulations would be liable to appropriate penalties.

Mr. Chairman, for a long time I have urged passage of legislation establishing standards of humane care for animals used in laboratory research. I am the author of a bill that would accomplish this, H.R. 5647, which is awaiting action in the Committee on Interstate and Foreign Commerce. This bill, H.R. 9743, now under consideration by your distinguished committee, would be an important adjunct to humane treatment legislation. It would make it a crime to steal animals and it would establish standards of humane care for animals supplied legitimately to research institutions. My bill would set humane standards for the conduct of the experiments themselves.

There is nothing, either in my bill, or in the bill before you, which would impede the proper use of animals for scientific research. I want to make it clear that neither of these bills is an antivivisectionist measure.

I urge the passage of H.R. 9743. Let us make it a Federal crime to steal pets for experiments and punish the thieves who make a living in this contemptible manner.

STATEMENT OF HON. JOSEPH G. MINISH, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW JERSEY

Mr. Chairman and members of the Subcommittee on Livestock and Feed Grain, I regret that hearings on S. 1698 by the House Banking and Currency Domestic Finance Subcommittee, of which I am a member, prevent my personally appearing before you this morning in support of the pending legislation to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation.

As the sponsor of H.R. 10358, a companion measure to H.R. 9743, I am extremely pleased that you have scheduled hearings on the subject which is of great interest to animal lovers. I am fully in accord with our distinguished colleague from New York, the Honorable Joseph Y. Resnick, as to the need to halt this despicable traffic in human heartbreak and animal suffering. The magnitude of the problem and the inadequacy of existing safeguards can be visualized by the fact that at least one unscrupulous dealer enjoyed a net income of more than \$750,000 last year. The proposed legislation is aimed at curbing the profit to these knaves and the tragedy to innocent victims that result from the thriving trade in stolen family pets. The traffic in these dogs and cats is

an interstate affair, and it can be halted by making the interstate transportation of stolen animals a Federal offense.

I believe the merits of this proposal are self-evident and need no elaboration by me. In the name of the owners of the pets that are stolen and, helplessly, must suffer so much cruelty, I urge your favorable consideration of ending this traffic in cruelty by the approval of the legislation before you today.

Thank you.

(A letter dated September 1, 1965, from the Washington Animal Rescue League follows:)

WASHINGTON ANIMAL RESCUE LEAGUE,
Washington, D.C., September 1, 1965.

HOUSE AGRICULTURE COMMITTEE,
*House Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: The Washington Animal Rescue League, this city's largest animal shelter, vigorously supports H.R. 9743, the Resnick bill.

This organization has long been concerned with theft of dogs and cats for ransom, resale to laboratories, or other illicit purposes. Such thefts are commonplace here in the District of Columbia and throughout the Nation.

Missing pets are reported daily to our shelter, and we know from experience approximately how many to expect. From time to time, however, the number of disappearances will increase suddenly and perceptibly and be concentrated in one particular section of the city, indicating criminal interests at work. Georgetown and residential areas near Massachusetts and Wisconsin Avenues have most recently been involved.

Pet theft is more than simply a local problem. Our troubles are symptomatic of what is occurring on a national level, and it is for this reason that we feel decisive congressional action is vitally necessary to counteract a vicious and brutal practice which violates existing laws and every moral principle.

Very truly yours,

E. P. PARKER, *President.*

(The following statements, letters, and telegram were also submitted to the subcommittee:)

STATEMENT OF CLEVELAND AMORY, DIRECTOR, HUMANE SOCIETY OF THE UNITED STATES, PRODUCER AND DIRECTOR, ANIMAL KINGDOM AT THE WORLD'S FAIR, HONORARY VICE PRESIDENT, NATIONAL CATHOLIC SOCIETY FOR ANIMAL WELFARE

Mr. Chairman, my name is Cleveland Amory. I am an author and commentator. I am also a director of the Humane Society of the United States, producer and director of the Animal Kingdom at the World's Fair, as well as an honorary vice president of the National Catholic Society for Animal Welfare—which is surely about as far as a Boston Episcopalian can go. However I wish to emphasize that I was an author and commentator before I was even a member, let alone an officer, of any humane group, and I appear before you less as an officer of one of them than as a man concerned with the public interest—which is surely to stop such evils as "dognapping" and the stealing of pets for laboratories.

One of the opponents of Representative Resnick's fine bill has called the bill an abridgment of State powers. This man's name is Dr. Walter Booker, and he is a teacher and researcher at Howard University College of Medicine. For the medical combine against us to call out a Negro doctor to testify that this bill is abridging State powers—well, that is quite an achievement. Perhaps congratulations are in order—if not for the testimony itself, at least for the power the testimony testifies to.

In his statement Dr. Booker said that he asks you to "consider the activities of many of the people who favor this bill." Since the other side has brought this up, may I ask you also to consider the activities of the people who oppose this bill.

First and foremost are the actual recipients of Federal grants themselves—grants which have grown to such staggering proportions that one arm of one branch of the U.S. Government alone, the National Institutes of Health, will dole out, for this one year, over \$1 billion for animal-using research. Dr. Walter Booker, I note with interest, received \$15,499 worth of grants for last year alone. His colleague, Dr. Walter Hess, vice president of Georgetown University, who

also testified against this bill, received for last year—1964 alone—“for general research support,” \$267,908. I notice too that included in the opposition testimony is a statement prepared by the deans of three medical schools located in the District of Columbia—George Washington University School of Medicine, Georgetown University School of Medicine, and Howard University College of Medicine. It seems worthy of at least a passing note that these three universities received in research grants—again for the year 1964 alone—the sum of \$4,214,048. For that kind of money I have an uneasy feeling they would oppose the second coming.

There are also two gentlemen among the witnesses listed as opponents of the bill, Dr. George E. Wakerlin and Mr. Ralph Rohweder by name, who bear after their names the title “National Society for Medical Research.” Let those who read this testimony be under no delusion about this so-called society. It is, as I am sure Congress knows, nothing more or less than a group of paid publicists whose job it is to oppose any legislation favored by any humane group and to smear anyone who speaks out against any kind of laboratory abuse—be it improper housing or dog stealing—as an “antivivisectionist.” Two other gentlemen on the list are Dr. N. R. Brewer, whose title is “Secretary of the Illinois Society for Medical Research” and Dr. Lowell Greenbaum, president of the so-called New York State Society for Medical Research. I am familiar with the propaganda efforts of both these groups—in fact the New York State Society for Medical Research even protested our World’s Fair exhibit as “antivivisectionist” before it opened, and this despite the fact that not a single antivivisectionist society was either represented at this exhibit or had their literature distributed there. Needless to say the protest was, by World’s Fair officials, filed in the wastebasket.

In this connection bear in mind that, actually, the antivivisectionists—for reasoning which defies analysis—oppose this bill. Bear in mind too that the so-called Animal Care Panel, the only existing protection for laboratory animals—run, of course, entirely by the medical profession—also opposes this bill. Indeed, after a remarkable statement in which they claim that “Federal legislation which addresses itself to the theft of pets claimed or alleged to be used in research institutions is discriminatory and thereby unconstitutional,” they then go on to state that “humane groups sincerely interested in the advancement of laboratory animal care would be well advised if they relaxed their pressures on Congress so that meaningful, constructive legislation could be brought before Congress.” After this mouthful and speaking for “humane groups sincerely interested,” may I say that such solicitude for our relaxation is touching and I could only wish it would be matched by less relaxation and more exertion on the part of the Animal Care Panel—one of whose main contributions to date for the relief of suffering of laboratory animals seems to be to oppose every single piece of legislation favored by any respectable humane group.

Who else opposes this bill? Those, I suppose, to whom the penalties may seem severe. So let us address ourselves for a moment to these people. Let us ask ourselves at the outset “Is the theft of my pet a petty theft?” Obviously the man who has stolen, say, my dog, has stolen something of mine—and, under law, my dog is my property, worth at the market value a few dollars. So be it then—I have lost some property.

But, wait now, I ask you. Is my dog just my property? If he is, then surely he can be replaced—as if he is like any other piece of my property; my suit, say, that I can get another, or even my automobile. But, it seems, he is something more than this—something indeed so much more than when he is stolen he can never on this earth be replaced. When his life has been taken, not all the scientists, not all the researchers, not all the laboratories working together, from now untill doomsday, can ever restore it to him—or him to me.

I say to you that he who has stolen my dog has stolen something that cannot even be measured as this world measures value. He has committed a crime that cannot be measured as this world measures crime. I say to you, gentlemen, there is no punishment fit for this crime.

What has he done—this man? He has not committed larceny at all, neither petty nor grand—he has committed a deadly sin. Indeed, the man who has stolen my dog has reached into the very heart and soul of the very treasure house of relationships—not just between man and man but between man and another species—and he has plundered and pillaged.

He has stolen, first of all, faith. For is there any faith to equal the faith of a dog in man? He has also stolen trust. Is there any trust to equal the trust of a dog in man? He has, too, stolen loyalty—a loyalty that is so far beyond human loyalty as to be demeaned by even making the comparison. And, above all, he

has stolen love. For if greater love hath no man than to lay down his life for his friend, then how much greater is it for man's best friend who has thousands upon tens of thousands of times asked nothing more than the privilege of so doing?

You say I exaggerate. Gentlemen, may I close by reading you some lines—spoken many years ago—by one of your predecessors in the Halls of this very Congress, Senator George Vest, when he was trying a case which involved this very subject.

It happened in 1870. Senator Vest, not yet a Senator, was retained in a case in which a dog owned by a farmer had been shot by a neighbor. The owner sued—and the case came to trial four times. Starting with involving two rather obscure farmers, it ended up involving some of the most powerful people in the country and became perhaps the most famous single case in Missouri history.

In the fourth and final trial, Vest let his partner handle everything, up to the very end. He contributed nothing, either to the examination of witnesses, the cross-examination, or even to the summation. Then, finally, he rose to his feet, and with no preparation, began:

"Gentlemen of the jury, the best friend a man has in this world may turn against him and become his enemy. His son or daughter whom he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us—those whom we trust with our happiness and good name—may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its clouds upon our heads. The one absolutely unselfish friend that man can have in this selfish world—the one that never deserts him, the one that never proves ungrateful or treacherous—is his dog.

"Gentlemen of the jury, a man's dog stands by him in prosperity and in poverty, in health and sickness. He will sleep on the cold ground, where the wintry winds blow, and the snow drives fiercely, if only he can be near his master's side. He will kiss that hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When riches take wings and reputation falls to pieces he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies. And when the last scene of all comes, and death takes the master in its embrace, and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even to death."

When Vest finished, many members of the jury were crying openly. Afterward they deliberated only a moment or two and then awarded the owner not the \$50 asked for, but \$500—truly a fortune in those days. Today, almost a hundred years after Vest's speech, perhaps there is still a lesson here. Mr. Chairman, I say the question is not are the penalties too severe—I say the only question before us is are they severe enough?

STATEMENT OF PEYTON HAWES DUNN, SECRETARY, WELFARE OF ANIMALS USED FOR RESEARCH IN DRUGS AND SURGERY

My name is Peyton Hawes Dunn and I am secretary of WARDS. Our sole purpose since 1953 has been to stop the useless inhumane treatment of animals used in research.

We are grateful that you are taking the plight of these animals seriously. You already know that a stolen pet is confined with diseased animals, and stuffed in a chicken wire container for transportation in a poorly ventilated truck. He lands in a medical center where there is probably no quarantine and nothing but crude storage for life. Ultimately he may undergo major experimental surgery and die without observation in agony. Too often his suffering is a footless, pitiful waste because there is no consistent Federal system of care anywhere from start to finish.

Inspection is a small, important part of the present need. We are glad the Department of Agriculture has been selected by H.R. 9743 for this service. Research animals must have people in authority who are professionals in this field. The inspector, in turn, for the sake of clear communication, should be able to deal with a veterinarian on the inside. This man or woman should

be the licensed person under H.R. 9743 and not the institution. Top authorities in these places are experts at delaying action. Crowded quarters have been excused as "temporary" for years while funds to use the animals for research have piled high along with the cages.

We are glad humane standards are called for but not spelled out by H.R. 9743. This means that a fluid upward spiral of new methods will be accepted when discovered.

There are some dealers and breeders of ability and integrity. They should be encouraged. If our society approves billions for research it should also want a humane way to obtain the animals on which this research is based. This can only improve our scientific findings. Inspectors from the Department of Agriculture will help but they cannot stop the present ruthless racket in stolen pets unless there is an adequate, orderly means to supply the demands of science. The head of the local animal care department must be able to pay for a healthy, humanely treated animal and not be forced to accept a job lot of unfit, diseased creatures.

The present unbelievable Federal disorder with all its abuses is the natural result of failure to give any legal status to the needs of these animals. The status quo will be powerfully defended, as usual, but it has produced a national scandal of unscientific waste and neglect. If you do not believe this we recommend that you go and see for yourself with an animal welfare representative. H.R. 9743 is one step in the right direction and we are grateful for your interest. We thank you for this opportunity to speak and ask that this short leaflet explaining WARDS be inserted in the record.

STATEMENT OF NORMAN A. ERBE, DES MOINES, IOWA

I am Norman A. Erbe, former Governor of the State of Iowa from 1961 to 1963 and former attorney general of the State of Iowa from 1957 to 1961, and while attorney general of the State of Iowa a member of the executive committee of the National Association of Attorneys General and a member of its legislative committee.

Since my tenure as Governor of the State of Iowa, I have been counsel for Diamond Laboratories, Inc., of Des Moines, Iowa, a manufacturer of pharmaceuticals and biologicals for the animal health market and general counsel of the Animal Health Institute, an 85-member national association of manufacturers of animal health pharmaceutical and biological products.

In my work as attorney general of Iowa I became familiar with the enforcement of laws with respect to the use of animals for research. As Governor I was associated with the adoption of legislation regarding this matter. And through my experience with Diamond Laboratories, Abbott Laboratories, and the Animal Health Institute I learned still more about the actual procurement and use of animals for research.

During my tenure as attorney general of the State of Iowa and as a member of the National Association of Attorneys General the subject of procurement and use of animals for laboratory purposes was discussed as pending legislation in the several States, and it was the consensus that this matter was being handled adequately and properly by the States and municipalities involved and was not a matter for concern or effort by the National Association of Attorneys General, representing the chief law-enforcement officers of the several States.

During my tenure as Governor of the State of Iowa, I signed senate file 210, chapter 193, Laws of the 59th General Assembly of Iowa entitled "An act to make available for scientific research unclaimed and unwanted dogs and to amend various sections of the code relating to dogs." This act was substantially similar in form to a uniform act relating to this matter which has been adopted in a number of States and major municipalities.

During the consideration of this measure by the 59th General Assembly of Iowa, prior to and since the signing of this bill by myself as Governor of the State of Iowa, I and members of the legislature were bombarded with letters, phone calls, and personal visits in opposition thereto by representatives of antivivisection groups.

I would call to the attention of the subcommittee the significant fact that the very persons and organizations, national in scope, who so bitterly opposed the passage of senate file 210 in the Iowa Legislature in 1961 are the same persons and organizations who now endorse the passage of the Resnick bill, H.R. 9743, under the guise of "controlling the stealing of dogs and cats." Having tried to prevent the establishment of a legitimate supervised source of supply in Iowa and

other States they now would have you believe that they really want to solve the problem "of stealing of dogs and cats" and not hamper biomedical research.

Ten States in addition to Iowa have laws providing State-supervised sources of dogs and cats for scientific study. These are the States of Connecticut, Illinois, Massachusetts, Minnesota, New York, Ohio, Oklahoma, South Dakota, Utah, and Wisconsin. The laws vary slightly to fit preexisting laws relating to control of stray dogs and cats, but in all cases the major provisions are the same.

In all cases the only animals assigned for scientific use are animals unwanted for any other purpose, animals that would otherwise be dead.

In all cases State authorities determine the qualifications of institutions that may receive impounded animals for laboratory use. The effect of this discriminatory power is to provide control of the humane aspects of animal studies by those local governmental authorities who are closest to the problem and best able to regulate it.

In addition to the State laws that provide proper and legally controlled sources of dogs and cats for studies and tests, dozens of cities and counties also have laws to meet this need. The number of such laws is uncertain because it is changing from month to month as more communities deal affirmatively with this problem. Significantly, most of the cities where major medical centers are located have adopted ordinances similar to the State laws I have described. Baltimore has such a law, adopted in 1950 by public referendum. The vote, incidentally, was nearly 5 to 1 for assigning to laboratories the animals otherwise destined for the pound gas chamber.

The District of Columbia has such a law adopted by the District Commissioners in 1954. Unfortunately I understand that antivivisectionist pressures have discouraged use of the law.

Institutions in Richmond, Detroit, Louisville, Atlanta, Memphis, Nashville, Birmingham, St. Louis, Omaha, Little Rock, Denver, Dallas, Houston, Galveston, San Antonio, and Los Angeles can obtain animals under law from their local pounds. In addition, there are laws providing animals for research in Hillsboro County, Fla.; Bergen County, N.J.; New Orleans, La.; Lubbock, Tex.; Orange, Ventura, and Tuolumne Counties in California.

In many other localities city and county governments provide animals for study but without elaborate statutory provisions. In these instances the local governing bodies have simply agreed to provide animals otherwise slated for death in pound gas chambers. Animals from pounds are available on this basis to professional schools, hospitals, and research institutes in Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, North Dakota, South Carolina, Virginia, and West Virginia.

In some areas institutions engaged in research and teaching in biology, medicine, and agriculture are hard pressed to find legitimate and dependable sources of dogs and cats. In these areas there is need for local action to fit local conditions. Unfortunately the effort to provide dependable proper sources of animals for study probably will be opposed by the same people who opposed the Iowa law—the same people who are in the forefront in advocating passage of H.R. 9743 and its counterparts.

My most recent association with Abbott Laboratories and Diamond Laboratories, organizations dedicated to the development of more effective treatment for the ills of man and animal, have convinced me that there is no more humane endeavor. Their goals are the alleviation of suffering, the curing of disease, and the prolongation of life. Many of the agonies and terrors of yesterday are gone thanks to medical research employing laboratory animals. Think what it means for the average American to enjoy 18 extra years of life compared with Americans born two generations ago. Think what it means for persons, and animals, who must have surgery to have modern safe anesthetics.

This vital medical research, made possible by locally regulated and controlled supplies of laboratory animals, deserves the support of Congress—not obstacles strewn in its path.

The series of bills typified by H.R. 9743 would necessitate a Federal policing system to control the stealing of cats and dogs only if such stealing were for the ultimate purpose of medical research. This would drain time and resources which might better be used to advance public health and welfare.

H.R. 9743 and related bills do not provide sound, constructive solutions to the problem of a proper supply of research animals.

In summary, I would respectfully suggest to the subcommittee that the provisions of H.R. 9743 and related bills are not meritorious for the following reasons:

1. The chief law enforcement officers of the several States have, following due consideration, refrained from taking action to secure the passage of Federal

legislation because the problem, if any, is one which can best be handled in the local jurisdictions under the local circumstances then and there existing.

2. Without exception the great medical research advances of our time have been dependent upon experiments and tests using animals. Dogs and cats are indispensable for certain studies, studies which have prolonged human life, and brought great benefits to pets and farm livestock. Antivivisectionist groups have historically opposed legislation permitting use of unclaimed dogs and cats for research purposes. Their support of this measure raises justifiable fear that it would be used to curtail research in human and veterinary medicine.

3. The proposed Federal policing of the stealing of cats and dogs only where the subjects of such larceny are to be used for medical research purposes is an unnecessary, unworkable, unwarranted, and prohibitively expensive undertaking in an area already adequately regulated by Federal, State, and local laws.

STATEMENT OF MRS. ROBERT GESELL

I have seen the premises of one small dealer in Jonesville, Mich. The most damning evidence for his setup was that the veterans hospital in Ann Arbor stopped buying experimental animals from him after seeing the place, even though his dogs (mostly hunting dogs) were large and very cheap.

The food he gave them, a mash of his own mixing (only too evidently from the ground around the make-shift shelters and the floor of his garage) more bran than anything else; the water, none, or a slimy green broth; the flea infestation, beyond belief. He was friendly. His first words were, "I've been a butcher, so I know all about animals." I said there are a great many dogs in Jonesville, and he answered, "Yes, and you should have seen it before I cleaned up." How he cleaned up he did not explain.

He believed he was a benefactor to man when he supplied dogs to laboratories. His wife works in an Ann Arbor hospital and drives in every weekday, so there was no expense or trouble in delivering dogs. He also believes in the efficacy of organ transplantation. Of his own one-eyed hunting dog (the empty socket was still dripping) he said, "My dog loves me. He'd be glad to give me a kidney if I needed it."

The real revelation of what happens to dogs for sale by dealers was a little blond cocker Mrs. Dyce bought out of pity. She lay on the seat of the car between us and fell asleep, and then we saw fleas by the hundreds come out on the surface of her coat. I've had several dogs, and I know how troublesome fleas can be at certain seasons, but never in anything like such numbers, and the dogs scratched and bit at the fleas. The doctor of veterinary medicine to whom the cocker was taken said, "When an animal has suffered as much as this one has, it no longer reacts, it simply endures" and this perhaps is why some investigators will say, "How do you know this dog is in pain?" when the poor cringing creature lies prone with its head in a corner of the cage and its eyes blank. Dealing in laboratory animals is only the first step in animal suffering, a fair proportion of which could be avoided, and any civilized government should not support large-scale possible cruelty without some enforceable control.

I wrote the above before August 25, 1965. On that day I again saw these quarters and it was a revelation to see what the mere thought of law can do. Last October, Mrs. Dyce's status was that of a humane officer for Wayne County. This year, she was appointed by Governor Romney to serve on the Advisory Committee for the Humane Use of Laboratory Animals in the State of Michigan, which gives her the right and the duty to visit any laboratory in Michigan once a year. The dealer did not know of the change, but because he had seen her humane officer's badge, we found remarkable improvements. Water was in reach of every dog. Food, a standard chow (made of good ingredients according to the small print on the sacks), greatly improved housing, even the garage in which he keeps small dogs must have been shoveled out a week or two before. I tried to find fleas on one big coon hound, and I found none.

Also this dealer (I believe he has two relatives in this lucrative business in Missouri) plans to build a 60-by-40-foot structure heated, lighted, and provided with outside runs, in which to board and sell dogs. His proposed building will be better than the accommodations of far too many universities and hospitals whose facilities under the aegis of the Animal Care Panel do not have outside runs, for these people think fresh air and exercise are not required, and indeed they are not if survival for a few years is the only aim; we have known that for

hundreds of years from the historical accounts of prisoners in dungeons or even old-time jails.

This dealer is a notable example of the need for enactment of H.R. 9743 as promptly as possible. Dog dealing is a large, growing, and very profitable business. This case proves the prompt efficacy of moderate, just, merciful law. Recall all that the humane slaughter law has done for food animals. When that bill was being considered I called up Kappler's packinghouse in Ann Arbor to complain about some of their methods; and the woman in the office said sweetly, "We'll change as soon as there's a law."

STATEMENT OF GEORGE W. JONES, ASSISTANT DIRECTOR, MASSACHUSETTS SPCA, BOSTON MASS.

Mr. Chairman and members of the committee, I am George W. Jones, assistant director of the Massachusetts Society for Prevention of Cruelty to Animals. I appear today as the representative of this society, and we appreciate this opportunity to express our views on this subject.

Located in Boston, one of the major scientific and medical centers of the world, our society is in close contact with the many institutions using animals for research and the impact this research has on the human population. With the increasing population, the increasing emphasis placed on scientific advancement and the increasing amount of governmental and private financial support for the pursuit of research, great problems as well as great results are bound to occur.

As an example, during 1946 the National Institutes of Health issued grants amounting to \$1 million. This figure is now in the area of \$1 billion. It seems logical, therefore, that with the increased availability of financial aid for research, the number of animals required by these various agencies will be increased by tens of thousands. The possibility and probability of a huge number of animals being secured for research by fraudulent and unlawful means is most evident. Parenthetically, as the number of animals needed increases, the necessity of caring for and treating the animals properly becomes most important.

In conversation with Robert J. Murray, chief prosecuting officer of the Massachusetts Society for the Prevention of Cruelty to Animals stated that each year our officers throughout the State receive thousands of calls concerning mysterious disappearances of pet dogs and cats. We feel a high proportion of these pets have been stolen for resale to institutions. In our area, institutions will pay \$12 for a dog in good health. The Veterans' Administration facilities will pay \$14 for similar animals. As you can see, a high-priced profitable market is available for the unscrupulous person or dealer.

The Christian Science Monitor on August 13, 1965, stated in an editorial entitled

"MUST MERCY WAIT?"

"Also, recent proven cases of traffic in stolen pets have given rise to two more bills, H.R. 9743 and S. 2322, which would require all dog and cat dealers and laboratories purchasing from them to be licensed by the Department of Agriculture. Both theft and mistreatment of these animals would be a Federal offense. Hearings on these bills also should be called at once by the chairmen of the committees involved, Representative Harold Cooley and Senator Warren B. Magnuson. The cause of mercy has already waited too long."

The Massachusetts Society for the Prevention of Cruelty to Animals completely endorses any legislation designed to curtail the theft and mistreatment of dogs and cats for sale to scientific institutions.

We support H.R. 9743.

STATEMENT OF DAVID J. LOBEL, CHAIRMAN, PENNSYLVANIANS FOR HUMANE ACTION AND CHAIRMAN, DELAWARE COUNTY, PA., SPCA LEGISLATION COMMITTEE

Mr. Chairman, my name is David J. Lobel and I am a resident of Glen Mills, Pa. I am chairman of Pennsylvanians for Humane Action, an affiliation of 15 humane organizations in Pennsylvania, and also chairman of the Delaware County, Pa., SPCA Legislation Committee.

I should like to amplify my original statement to the subcommittee of September 2, 1965, by citing several additional aspects of the *Miller-Lakavage* case.

This case focused public attention on conditions in the interstate traffic in research animals which demand Federal regulation of the kind proposed by H.R. 10743.

My information on the *Miller-Lakavage* case is based on direct personal contact with State police, State officials, humane agents, and others connected with the events of June-July 1965.

Other statements to the contrary notwithstanding, the investigation of the ownership of the Dalmatian in question has been closed for all time by the Pennsylvania Department of Agriculture. The investigator's report concludes that the dog belonged to one Frank Aurandt of Altoona, Pa., who sold a 2-year-old female Dalmatian to Jack Clark, a dealer in Bedford, Pa., because she was killing chickens. No mention is made of whether the dog had ever been bred.

To appreciate the shortcomings of this investigation, which was handicapped by weaknesses in the Pennsylvania dog law (e.g., dog law officers cannot require affidavits under oath, dealers need not carry bills of sale with shipments, and kennel records are minimal), consider the following facts:

1. On July 4 a State police investigation indicated there was good reason to believe that a Frank Aurandt of Altoona had indeed sold his 8- or 9-year-old female Dalmatian to Jack Clarke. Aurandt had owned the dog 6 years but had to dispose of her when she started killing chickens. His dog had never been bred as she probably had a functional disorder. (NOTE.—Jack Clark, who did not keep the kennel records mentioned in the Pennsylvania dog law, reportedly sold the Dalmatian and most of the other dogs found in William Miller's truck to one Russell Hutton. Hutton had in turn sold these dogs to Miller and receipts of a sort were shown to substantiate the sale.)

2. In describing the Dalmatian which died during a surgical experiment on July 2, Lowell McNichol of the Montefiore Hospital stated that it seemed to fit the description of the Lakavage dog. He estimated the age of the hospital's dog at about 5 years and said she had been bred.

3. Mrs. Lakavage described her Dalmatian as about 6 years old and said she'd had a litter of pups.

These and many other discrepancies which arose during inquiries that were handicapped by the lack of sworn statements, dealer's records, and animal identification devices lead to one conclusion: weak State laws serve as no deterrent to pet theft.

An interesting insight to the incidence of pet theft in another State is provided by the remarks of Mrs. Florence Biehle, director of the Walden (New York) Humane Society (who aided Mrs. Lakavage in her futile attempt to search the animal farm at High Falls, N.Y.; a false statement by William Miller had led people to believe he was delivering the dogs there). She informed the writer of the many calls from the other side of the mountains (Shawangunk Mountains) about missing pets. There were almost no dogs left in the villages of Accord and Mettcahonts (Ulster County, N.Y.) and elsewhere. One animal dealer in her area had many purebred dogs on hand, some with license tags from as far away as West Virginia; he had no kennel records.

Almost overlooked during the *Miller-Lakavage* case because of the emphasis on possible pet theft was the evidence of inhumane handling of animals: 18 large dogs and 2 pregnant goats squeezed into the cramped and foul cab of a pickup truck; no provisions for water during the long, hot trip; even the larger truck used on the last leg of the trip to the hospitals had only one tiny opening for ventilation.

The additional aspects of abuses by animal dealers presented here have reinforced my previously stated conviction about the need for a rapid, effective cure in the form of Federal regulation. I firmly believe that only H.R. 10743, with its specific provisions on bills of sale, identification, humane care, inspections, and revocation of licenses, meets the requirements.

STATEMENT OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS BY WILLIAM MAPEL, ADMINISTRATIVE VICE PRESIDENT

The American Society for the Prevention of Cruelty to Animals endorses the objectives of House Resolution 9743 and of kindred measures introduced in both Houses of the Congress. In so doing the ASPCA also would endorse any appropriate amendments that would tend to meet criticisms raised on grounds of imprecise language, limitation of jurisdiction, or possible legal infirmity of the proposed legislation.

Although the announced primary purpose of the congressional measures is to curb theft of dogs and cats and the consequences thereof, the ASPCA finds the

full text of H.R. 9743 a broader and more helpful instrumentality for more widespread prevention of cruelty to animals.

In supporting H.R. 9743, the ASPCA wishes to outline primary reasons for its belief that this type of legislation not only is a stride in the interest of humanity toward animals but also is a businesslike and commonsense approach to solution of a problem sometimes highlighted by conjecture, rumor, and questionable charges.

Among its other responsibilities the ASPCA is a law enforcement agency within the boundaries of the State of New York. Thus the society seeks, through a large corps of uniformed police officers under professional leadership, constantly to stifle any unlawful activity contributing to cruelty to animals.

It would be a safe conjecture that over the last several decades of its century of activity in such matters the ASPCA has sought to trace and substantiate scores of informal and sometimes anonymous contentions that there is widespread thievery and sale of animals to scientific laboratories or that there is any semblance of an organized black market in the traffic of such animals. Such investigations have never substantiated or justified official action by the ASPCA in New York, but you may be assured we should be eager to lodge such a complaint and make it stick.

Since the passage of New York State's Metcalf-Hatch Act in 1952, attention to environmental problems of research animal activity has become an increasingly large and important feature of the responsibilities of the ASPCA.

Under Metcalf-Hatch the society by law is bidden to honor New York City Department of Health requisitions for unwanted, unclaimed, and unlicensed animals it otherwise would have to put to death. The society was custodian of 273,261 animals last year. In that fiscal year the ASPCA honored requisitions for 2,162 dogs and cats claimed under the law by research facilities in the New York City metropolitan area within the State of New York. By society census the total number of such research animals approximated 11,000 for the same period.

As a consequence of its research animal responsibilities the society over the last 13 years has come to attain advanced professional status on problems of laboratory animal transportation and care.

As an important adjunct of its humane work division and its animal health program, the ASPCA sustains a growing department of laboratory animal medicine headed by two full-time veterinarians. Today this division of the ASPCA animal hospital advises regularly with scientists and animal handlers on the care of animals in more than 60 research facilities in the New York metropolitan area. Its educational program embraces unannounced inspections of these laboratories on an average of four times annually as well as a consultation and training program with the research community relative to animal care and handling, environmental health, housing and ancillary equipment needs, animal transportation van design, and the training of caretaker personnel.

The society annually conducts two free 12-week training courses for laboratory animal caretakers, with a constant waiting list of applicants; regularly schedules to-the-point seminars for scientists; and periodically publishes technical educational literature. Hand in hand with its endeavors with the laboratories themselves the ASPCA veterinarians and uniformed law enforcement officers seek ever to broaden knowledge and surveillance of recuperation farms in New York State where New York City experimental animals are housed for long-term studies, as well as such commercial outlets for research animals as are known or detected. Licensure of purveyors alone would be a great aid to any educational and law enforcement agency, and activity at the source in turn should result in a flow of more acceptable animals for research.

Circumstances guided the ASPCA into its laboratory animal program. Absence of local and State legislation in virtually all other States undoubtedly contributes to the relative nonexistence of cooperatively professional year-round specialized laboratory animal care programs between humane societies and research institutions outside the borders of the State of New York. This must not be taken as criticism of anyone. Rather, it illustrates how public laws and regulations at any level frequently stimulate and produce unforeseen beneficial side effects.

To recapitulate, the American Society for the Prevention of Cruelty to Animals favors passage of Federal legislation along the lines of H.R. 9743 and its kindred resolutions because this legislation points to—

1. More overt opportunities for prevention to cruelty to animals.

2. A self-protectively beneficial on-the-record relationship between buyers and sellers of animals for research.

3. Stimulated but limited nationwide control of legitimate commerce in animals whose acquisition, transportation, and care would be subject to official scrutiny. In drawing this conclusion the ASPCA recognizes that, though it will never sell any animal to anybody, that its own day-by-day operations might nevertheless be considered open to such Federal scrutiny.

4. Whereas the ASPCA, with its New York State jurisdiction rigidly limited to cruelty or inhumanity to animals, has no proof of the incidence or prevalence of illicit traffic in animals destined for laboratory use, nevertheless the testimony of the society should not in any measure be posed as a reason against passage of what might be most helpful legislation for elsewhere in the Nation. Moreover, in fact a law based on H.R. 9743 might even help open the eyes of the ASPCA to unknown wrongful conditions within its own jurisdictional province and domain.

If appropriate improvements or modification of the proposed legislation appear in order, the ASPCA hopes such necessary amendments will be forthcoming promptly. In any event, the society stands ready to make its experience and its records in this delicate field available to any governmental agency when and if necessary.

STATEMENT OF DR. LEONARD PROCITA, ASSOCIATE PROFESSOR OF PHARMACOLOGY, ALBANY MEDICAL COLLEGE, ALBANY, N.Y., PAST PRESIDENT, AND CURRENTLY TREASURER, NEW YORK STATE SOCIETY FOR MEDICAL RESEARCH (NYSSMR), MEMBER OF COMMITTEE ON PUBLIC AFFAIRS, AMERICAN SOCIETY FOR PHARMACOLOGY AND EXPERIMENTAL THERAPEUTICS

Mr. Poage and members of the committee, the present 1st session of the 89th Congress will be remembered by many of our citizens for its accomplishments in the field of health legislation. Witness the Medicare Act, financial aid to medical students, and to the less affluent medical schools. Also, the probable passage of legislation to establish regional medical complexes for the diagnosis and treatment of heart disease, cancer, and strokes. If we add to this the congressional appropriations to the National Institutes of Health, and other Federal agencies and departments which conduct and/or support basic and clinical research in medicine and biology, this Congress, the Health Congress of 1965, has truly declared war on disease.

An essential element of any war on disease is research involving the use of a variety of species of animal. I would therefore propose to the honorable members of this committee that in any war on disease it should be permissible to utilize, for scientific experimentation in the most humane and efficient manner a national resource, the unwanted and unclaimed animal populations of this Nation. A war on disease cannot be successfully pursued without the use of this resource.

The credentials of the NYSSMR (representing 1,500 research scientists, physicians, and lay people; and various institutional members, including the 9 medical schools of New York State) are clear in this regard. Its leadership is on public record, consistently and outspokenly, against unnecessary pain and suffering of experimental animals. It is for legal injunction against the illegal acquisition of animals be it in interstate or intrastate commerce. In fact, the NYSSMR has consistently cooperated with the appropriate authorities in the State to bring to the bar of justice those who proof has shown to have engaged in illegal animal operations. We have been equally critical of those who purchase such animals from suspect sources with no questions asked. The humane transport, handling and care of animals, is a primary objective with us.

In 1953 the NYSSMR, with the assistance of civic, labor and religious organizations, was instrumental in securing passage of the Metcalf-Hatch Act by the New York State Legislature. This legislation legalized the requisition of dogs and cats for scientific purposes from municipal pounds throughout the State. As an outgrowth of this, the NYSSMR has arranged a cooperative venture with the New York City ASPCA for their veterinarians to routinely inspect (unannounced) the animal facilities of some 35 research institutions in New York City which receive animals from the pounds of the 5 boroughs of the city. Where conditions are unsatisfactory in the animal facility of any institution, the supply of animals from the above source are shut off until the institution remedies the situation in their facility. I can say that the institutions have done this without hesitation and are quite pleased to have the advice of the ASPCA veterinarians.

I would submit then that these credentials allow us to present the thesis that H.R. 9743, and other identical bills, as presently written, singling out for Federal regulation only research institutions that receive animals in interstate commerce, would not resolve the entire problem of purloined animals in general even though the proponents of this legislation apparently feel it would. Finally, we believe that the matter of the interstate commerce in animals, be they illegally or legally obtained, is in general intimately joined to a number of items of other legislation on animals currently pending in the House Committee on Interstate and Foreign Commerce and the Senate Committee on Labor and Public Welfare. Legislation such as H.R. 9743, and identical bills, should be considered in conjunction with these other bills, not as a separate matter.

REPORT AND INFORMATION AT DOG AND CAT AUCTIONS IN THE COMMONWEALTH OF PENNSYLVANIA, BY FLORENCE J. SCHIPPERT

On July 31, 1965, I arrived at the Gilbertsville auction grounds, Gilbertsville, Montgomery County, Pa., around 7 p.m. and proceeded to the animal sales building. At the long side of the building at the loading platform I noticed an empty, large truck from Dierolf Farms, Inc., and I believe, a smaller truck from Dierolf Farms, Inc., and also 8 or 10 empty pickup trucks belonging to other animal dealers. There were also other private cars and trucks unloading their cargoes of dogs and puppies, cats and kittens, transported in makeshift cartons, boxes, and burlap bags, the larger dogs led by a rope around the neck or a lead from their collars. These animals are then presented to an employee of the auction concession. He, in turn, places the dogs in wood-framed wire crates and cages, the cats in small wire cages stacked six high against the walls. Puppies are also handled in this manner. They are then tagged with the seller's name and address, the tag placed on the outside of the crate or cage. Also brought to the sale are all types of domestic animals—rabbits, guinea pigs, chickens, ducks, pigeons, lambs, and goats. Among the large dogs, I saw a black poodle and a beautiful collie—the poodle tagged Bethlehem, Pa., the collie from New Jersey. These two dogs were obviously well-cared-for pets.

As the auction progresses and the animals sold, the animal dealers start loading their purchases into their own crude chicken crates, cardboard boxes, or anything they have. This is done in a very rough manner and many of the animals are terrified. The large dogs are tied short to the inside of the truck. The dog and cat auctions at best, are odious to witness but at closing it is heartrending. I noticed there were at least a dozen cats that were not sold—also a sick dog. When I inquired of the wife of the proprietor, who also runs the business, what would be done with these leftover animals she replied, "What do you think?" and indicated it was none of my business. I offered to buy them and was refused. On August 28, 1965, I again visited this same auction and the conditions were about the same. However, this time I saw three cats that had escaped, running terrified through the high parking lot and between the cars. These were positively cats that had escaped their handlers at the auction that night.

In April 1965 at my expense, I paid a young married man to visit this same auction. This is his report:

REPORT

APRIL 5, 1965.

To Whom It May Concern:

I arrived at the Gilbertsville auction 7:45 p.m. Saturday night, went to livestock and egg auction building. There were piles of orange crates and boxes with cats, dogs, rabbits, ducks, chicks. The people bring these here and have them put up for auction. The auctioneer's helper throws these animals around and mistreats them. He gets in the pens with the dogs and this upsets the animals, they bark and snap at him, then he kicks them to shut them up. They auction the pups off at 10 to 40 cents each, the cats were sold from \$1.50 to \$2.50 each, the rabbits from 30 cents to \$2 each. When they were auctioned off the buyers were referred as J. D., Hanna, the guy upstairs, and others. I watched J. Dierolf closely to see if he handled the animals but he had two boys between the ages of 12 and 14 put the animals in his crates and carry them to the trucks, the name on the door was J. Dierolf, Inc., Boyertown, Pa., license No. of truck T5956B. J. D. bought most of the cats, rabbits, dogs. He had another truck loaded with animals marked C. M. Hanna, Neshanic, N.J., license No. XRX325.

Respectfully yours,

JAMES MURRAY.

521 ASTOR STREET,
Norristown, Pa.

(Moved recently to Graterford, Pa.)

I also hired him to go to observe the Root auction near Manheim, Pa., in the early part of August. This is his report:

REPORT

SEPTEMBER 19, 1965.

DEAR FLORENCE: I arrived at Roots auction 7:30 p.m. Tuesday night. Went to the livestock building where the animals were being auctioned off. There were orange crates, chicken crates, cardboard boxes that contained rabbits, cats, dogs, and pigeons. The pigeons were packed so tight that its a wonder their wings were not broken—there were as high as 8 and 9 cats in a crate and about 12 puppies to a crate. They were packed so tight they fought with each other. The buyers that purchased the animals had men taking them out of the crates that belonged to the auction and packing them into their crates. They would literally throw the cats into crates and had them packed so tight they would fight. They should have a better way of transporting these animals. The dogs seemed like they had no water to drink for quite awhile. There was one dog with saliva hanging out the sides of his mouth. There were also dead animals lying outside the door. The buyer who bought almost all of the animals was G. Miller, he had a green Ford truck (license No. T8770B), A. Henry Christ bought a lot of dogs, put them in a red and green Ford truck, New Jersey license XM7819, 217 Old Bridge Road, Marlboro Road. I believe that a little time and consideration should be put into this situation.

Your friend,

JIM.

I was informed recently of the Perkiomenville auction, which is held on Mondays, from noon on. My phone call to them gave me this information:

Yes, they sold dogs and cats.

Bring them in early.

Good breed dogs are sure to be sold, the mixed breeds are not always sold.

Dogs that are not sold must be taken away by the owner, not left at the auction, because, she continued "I find a bunch of dead dogs that someone hid in a building, which, I guess, they die because they starve to death. We did not know they was there till we look for something in the building. You bring your dogs and cats in—we can always get rid of the cats—but be sure to take 'em back if they are not sold."

She showed no concern whatsoever about the cruelty involved or the slow death those animals had to endure. Let the reader draw his own conclusion why the sale of dogs and cats at auctions should not be prohibited by law.

FLORENCE JOAN SCHIPPERT.

Witnessed by BERTHA KLING.

COUNTY OF DELAWARE,
State of Pennsylvania, ss:

Sworn to and subscribed before me, a notary public in and for the county of Delaware, this 31st day of August 1965.

BEATRICE A. MARSHALL, Notary Public.

My commission expires April 11, 1966.

[SEAL]

STATEMENT OF HOWARD A. SCHNEIDER, Ph. D., MEMBER, INSTITUTE FOR BIO-MEDICAL RESEARCH, AMERICAN MEDICAL ASSOCIATION

Mr. Chairman and members of the subcommittee, the statement I am presenting is on behalf of the animal care panel in my function as chairman of its committee on legislation. The animal care panel is a national organization of more than 1,500 individuals and 200 institutions, incorporated, as its constitution states, as a nonprofit educational association of persons and institutions professionally concerned with the production, care and study of laboratory animals. Operating since 1950, the animal care panel has provided a medium, through meetings, symposia, committees, and publication of a unique bimonthly scientific journal, "Laboratory Animal Care," for the exchange of scientific information on all phases of laboratory animal care.

Historically the activities of the animal care panel have been centered within the walls of the laboratory, the laboratory animal care facility, and the laboratory animal breeding establishment. By defining and setting up standards, the animal care panel has improved the whole tone of laboratory animal care in this country over the last 15 years. For example, the animal facilities standards committee of the animal care panel prepared the "Guide for Laboratory Animal Facilities and Care" which was adopted by the Institute of Laboratory Animal Resources, National Academy of Sciences—National Research Council. Thirty thousand copies have been distributed, many of these by research granting agencies of the U.S. Government. Further, to insure that what has been recommended can indeed be done, the animal care panel has helped bring into being an Animal Facilities Accreditation Board and has, to date, carried out a site visiting assessment of animal care programs and facilities in 26 institutions across the country, which has identified in institutions of varying size, the areas for improvement. A national, full-scale, accreditation program is now planned in collaboration with more than 17 national organizations vitally concerned with biomedical research.

H.R. 9743, as now written, links by implication the research laboratory with morally reprehensible acts of theft and inhumanity in the procurement of cats and dogs for research purposes. This linkage is gratuitous, erroneous, and should be severed by the deletion of section 3 and other references to researchers and research facilities throughout H.R. 9743, as Mr. Resnick in his statement before the committee has now suggested.

This, in our view, leaves the interested citizen with two problems in the issues raised by H.R. 9743; i.e., the problem of theft, and the problem of inhumanity in the channels of trade involving cats and dogs.

1. *The problem of theft.*—Surely stealing of the private property represented in a dog or cat as a household pet comes under current laws on larceny. The extent of this particular problem seems poorly defined, but what evidence there is, as Dr. Estep reported in these hearings, suggests that it is rather limited. The animal care panel, like everyone else, however, is against thieves and thievery.

2. *The problem of inhumanity toward dogs and cats in the channels of trade.*—It seems to us that an historical perspective has some instruction in this matter. For example, in the growth of this country, in the not-too-distant past, expanding markets for cattle and lengthening railroad and trucklines all added to depersonalize the arrangements for bringing the animal from the range to the table. As is well known, the common carriers are now under regulation regarding the condition for transport of livestock. The solution for transport of dogs and cats in the channel of trade might well be suggested by this historical precedent, and achieved by the appropriate recasting of certain existing regulations by statute.

In the interim, I am happy to add, animal care panel, through its committees is continuing to raise the standards by which its adhering members will admit to purchase and receipt the animals professed to them. As experience has taught, the raising of standards drives the "fly-by-night" operator out of business. This evolutionary process is one that the animal care panel will continue to support.

In summary, the animal care panel joins with others in condemning the theft of pet dogs and cats. H.R. 9743, however, does not offer any new practical solution to the problems of theft not already provided by the laws against larceny. The problem of improved conditions for dogs and cats in interstate channels of trade, it seems to us, is capable of regulation, as such is needed, by inclusion with appropriate specifications in present regulations affecting cattle. The animal care panel, through its committees on animal care and facilities, stands ready to help the Congress and the Department of Agriculture in drafting such specifications.

Respectfully,

STATEMENT OF MRS. WILLIAM E. SHANAHAN, EASTON, MD.

I would like to give this information to the members of this committee as an indication of the need for such legislation as that proposed in the Resnick bill. Not antivivisectionists, we do turn over a certain number of animals to the NIH where we feel that standards of animal care are very high.

As an officer of the Talbot County Humane Society, Inc., located in Easton, on the Eastern Shore of Maryland, I have had occasion to visit several dog farms where animals are stockpiled for resale as hunting dogs or as laboratory animals. These dealers to whom I refer buy, sell, and trade dogs and cats.

In August 1963, our society received a complaint that the proprietor of Hughes Kennels, located near Goldsboro, Caroline County, Md., was keeping approximately 150 dogs in an old chickenhouse, that they were so crowded they could not get out of the hot sun, that the place was filthy dirty, fly infested, and that the dogs lacked water.

We arrived at this dog farm on August 26. Mr. Hughes, the owner, was not at home. From a shed behind the dwelling we heard the roar of a great number of dogs barking. The shed was locked, but we were overwhelmed by the vast number of dogs we could see through openings in the building. Picture No. 1 will show part of the dogs in this old chickenhouse, as they came to the fence apparently in anticipation of being fed. As there was no shade in the area, and the shed must have been overcrowded at best, it is obvious how much these dogs must have suffered from heat in the summer months. A man whom Mr. Hughes had taken in the shed to see these dogs a week prior to our investigation said the shed was so hot and foul smelling he could hardly breathe in there.

In the fenced-in area, or compound, attached to this shed some of the dogs were gnawing and growling over old bare bones, part of the ribcage of a steer, I believe. Just beyond the fence was a pile of cattle skulls, picture No. 2, and some pieces of hide. The heads were in varying conditions, some had been picked clean and some still had a bit of rotten meat or eyes. The dogs running loose in the yard started working on the fresher ones. The whole area was heavily infested by flies, drawn by the excrement from the dogs and the rotting meat.

These dogs received some dog food I believe, but we were told that their main diet is offal, entrails from the slaughterhouse where Mr. Hughes works 2 days a week. The dogs become so excited at feeding time that when these entrails are slung in to them they often fight violently, often killing and maiming each other. The sanitarian from Caroline County told me that he had been there once at feeding time and that he hopes he never sees such a sight again. A friend of Mr. Hughes inadvertently told one of our board members that, "When they get fighting too bad, Hughes separates them with a bull whip."

In the barn on the property we found a bunch of sick dogs, picture No. 3. Some of these could not even get up on their feet, but were chained anyway to old cattle stanchions with double thickness chains. There was one can of water in this area, but it was placed so that not one of the dogs could reach it. One of these dogs appeared to be blind, but closer examination showed that this dog's eyes were sealed tight shut with heavy encrustment. Its nose was completely plugged with hardened excrement and filth, as were its ears. There was no evidence that it had received any medication.

In another section of this barn were a great number of other dogs, these being mostly beagles and mixed breed dogs. This group is what are known in the trade as killer dogs, and they are picked up with some regularity by the killer dog man, for resale to laboratories.

These dogs are brought to dealers in trucks, station wagons, and in car trunks. The dealer buys only from people he knows, paying cash. Most of the mixed breed dogs are friendly little tail wagers, easy enough to catch by anyone seeking to make a fast buck. They bring \$2 to \$2.50 apiece, regardless of age, sex, or condition. Larger dogs are worth slightly more and there is always a market for any purebreds that are picked up. Hunting dogs and hounds are particularly desirable, this including naturally beagles who are sought both by hunters and laboratories.

Mr. Hughes also had a crate of cats in the barn. These are salable to laboratories and also to those coon hunters who train their dogs on cats.

There is a well-worn road leading to the back of the Hughes property. This road goes back to the woodland. This whole area was littered with dog bones and carcasses in varying state of deterioration. You could have picked up dog skulls by the bushel basket and judging from the teeth in these skulls, they had not died of old age. Pictures Nos. 4, 5, and 6 were taken in this woods. The flies in this area of the Hughes property were unbelievable and buzzards circled overhead. Judging from the number of skulls, losses at this dog farm must be very high. A resident of the area told me that Mr. Hughes sometimes dumped 20 to 25 dead dogs at a time back in the woods. This is still going on apparently, as in July 1965 we received further complaints regarding the dumping of dead dogs in the area.

A file at the State police barracks, Easton, tells of a stolen pet beagle found at this dog farm and James C. White, a warden with the Delaware Fish and Game Department, told me of a resident of the Dover area finally locating his bird dog there. They were among the more fortunate, as most reported stolen dogs are

never seen again. A Delaware warden said the number of reported missing dogs in his area is staggering.

These dog dealers do not advertise dogs for sale. They will not let you get out of your car and even look at their dogs, because they know many of them have been picked up and might be recognized.

Another dealer nearby, (Bill Nichols), at Federalsburg, Md., reportedly has a regular contract with someone in New Jersey, and when they call and say they are sending down for 10 beagles, the dealer is said to get in touch with his local contacts who scurry around the back roads until the quota is filled. This man Nichols stocks about 150 dogs, while Hughes usually has about 350. A dealer in Princess Anne keeps about 150, and keeps them so far back in the woods that a local man who got in down there said he couldn't tell the color of the dogs for the mud on them, they were so far back in the woods and swamp.

This man, who was on a search for two stolen English setters, said that one man told him that any time a farm animal died on a neighboring farm he would get it and drag it into his dog yard and just turn the dogs loose on it.

A large chicken grower in Wicomico County told me that a dog dealer down the road had asked him not to incinerate his dead chickens, but just to pile them in the field so he could come by and pick them up to feed his dogs.

A second dog dealer in Goldsboro, Md., told me, "I don't buy none of my dogs local like Cliff Hughes, they might be stolen dogs. I buy mine from some fellows down in Virginia." What he meant was that a dog stolen in Virginia was less likely to be recognized in Maryland.

Our humane society shelter attendant was approached a few years ago by a young man who urged him to "get in on the easy money like everybody else" and sell the shelter dogs "out the back door" in loads of 25. He offered him \$2 per dog and \$1 per cat, and told him how he and some of his friends had disguised their pickup trucks so they could pack in a real load of dogs without any nosy busybodies being any the wiser.

The Maryland Retail Sales Tax Division currently has a case against Mr. Hughes, based on dog sales of \$10,000 per year. Anyone deriving this kind of income from the sale of animals should surely be open to inspection, and should be forced to afford the animals in his custody certain standards of care.

It is our sincere belief that passage of the Resnick bill (H.R. 9743), will be of great value.

STATEMENT OF PEARL TWYNE, PRESIDENT, VIRGINIA FEDERATION OF HUMANE SOCIETIES, INC.

I am Pearl Twyne, president of the Virginia Federation of Humane Societies and president of the Animal Welfare League, Arlington, Va. In these capacities, I have had considerable experience in checking reports on the misappropriation of dogs and the stealing of pet dogs and cats. Because of this experience, I earnestly hope that this committee will approve H.R. 9743, a bill to authorize the Secretary of Agriculture to regulate the disposition, sale, and delivery of dogs and cats intended to be used for purposes of research.

The Animal Welfare League, Arlington, Va., received a call from a distraught woman about a year ago that a man had gotten out of a truck, entered her fenced yard, snatched her dog from her son, and had fled in the truck. Hearing her son's screams, she jumped in her car and followed the truck, which had headed for the animal shelter. When it was within a block of the shelter, the truck stopped, the driver got out, opened the door, took her dog out and handed it to her. In her excitement she did not get the license number of the truck. However, she reported that there were many dogs enclosed in the truck.

The truck was of the same color as the league's trucks, but that truck did not have any identification on it, while the league's name and address appears on our trucks. The league has authority under contract with the Arlington County government to collect and impound animals at large on the county streets. We receive calls from people who have seen trucks painted like ours pick up animals, and they are heartbroken when they call us and learn it was not the league that took their pets.

A few months later, we received a report from a man whose licensed dog was stolen from his screened porch. He received an anonymous tip as to the dog's whereabouts and found his dog still wearing its collar and tags tied to a trailer. There were several other dogs tied there, too. When we received this information, we went to investigate; but the man and the dogs were gone.

We receive similar reports often. Our shelter receives many calls of missing pets. During the month of June 1965, 33 cats and 69 dogs, or a total of 102 animals, were reported missing and have not been found. In July 1965, 62 dogs and 13 cats, or 75 animals, were reported missing and have not been found. Other missing animals were found and returned to their owners. Since the Animal Welfare League picks up dead and injured animals, and we have volunteers to follow up on lost pet calls, we think the number of missing animals from an area as small as Arlington County (24 square miles) is significant.

In 1963, the Arlington Animal Welfare League and the Virginia Federation of Humane Societies were concerned about the activities of certain officers of a corporation that collected animals for sale to research laboratories. The animals were housed in an old dairy barn. We suspected that the dogs were stolen because every time we checked the premises, we found mostly purebred dogs, and many beagles. Dealers of animals for research use usually have mixtures with an occasional purebred dog. There was a tremendous turnover. The same dogs did not stay at the collection farm for any length of time but were often moved the same night, and we did not know what happened to them. A neighbor reported that one day a truckload of dogs arrived. He described them as "hot cargo." When the driver was told an inspection was expected, he did not unload the dogs but drove away immediately. This corporation had contracts with NIH and other research institutions to deliver animals once or twice a week.

We employed a man to investigate their activities, and through him we learned that the dogs collected in Virginia were sent to dealers in Maryland and Pennsylvania, and dogs from those States were moved to dealers in Virginia. The animals were moved at night and the drivers used the back roads through Leesburg, Va., up through Maryland. When a title of ownership was required, the animals were sold at an auction in Maryland and then sale papers given to the buyer (same one selling them) which could be passed on with the animals.

We also learned that spotters, men and women, in a community would spot an animal, check the habits of the owners, and report to the collectors. Eventually the animals would be reported missing, and neighbors would report that a truck had been seen parked or slowly cruising around the area. One businessman in Marshall, Va., called me, heartbroken, that his golden retriever had disappeared. He had let the dog out at about 10 p.m. before going to bed; and when he called, the dog was gone. It wore a collar and tags and was tattooed in the ear. The dog was about 8 years old and was a well-trained and beloved pet. It would not have wandered off. The same story was told of a panel truck being in the neighborhood during that period. His dog was never returned. I went with this man to all known dealers, but we did not find his dog.

In March 1963 we checked the collection center known as Zoological Worldwide and were appalled at the conditions under which the animals were kept. The conditions were reported in the Evening Star, Washington. A reprint of the story is attached. We have photographs here, too, of the dogs and cats taken at the barn. Among the many dogs confined in one large pen was a very sick young beagle. She obviously was a well-bred dog. She had been spayed, and the stitches had not been removed. She was so ill from lack of care and the bitter cold that our veterinarian recommended that she be destroyed. We feel that this little bitch was stolen, as no one would have paid to have an animal spayed if it was intended to go for research. We had to destroy many of the animals because of their condition resulting from neglect and the bitter cold. Many purebred dogs were tied in the attic of the barn, suffering from filth, neglect, and cold. There was no water for them. Water was not piped into the barn at all. These dogs were obviously pets, and their behavior indicated that they did not belong to the people managing that corporation.

We were told that barrels of collars and tags were buried on this old farm; probably in the trenches under the bodies of the dead animals.

We brought charges of cruelty to animals against some of the officials. The judge asked the manager why he did not take better care of the animals. He said he did not have time, as he was too busy during the day collecting animals; and he worked most of the night hauling the animals to Maryland and Pennsylvania. He did not reply when asked why they were moved at night, and he was evasive when asked where he got the animals.

There is another very serious situation involving the collection of animals. Virginia dealers collect in Tennessee and Georgia, and they get most of their animals from dog wardens. In small towns and counties, there are no dog pounds. A dog warden collects the animals and in most of the communities which I have checked, the dog warden turns over the impounded animals to a

dealer who sells them to the laboratories. The Virginia law requires that animals be held for a minimum of 3 days to give the owner an opportunity to get them back. All wardens do not hold them for the required length of time. Some of the dog wardens I checked do comply with the law and are very conscientious. Many of them are not. In one community we received reports that pets were picked up and that it was impossible to reach the dog warden immediately, and the next day the warden told them the pets had been disposed of. This warden sold the dogs to a dealer. Theoretically, the dog warden receives pay for each dog impounded; and if he sells the dogs, he is supposed to give the money to the treasurer of his municipality. Actually, there is no control over his impounding and no set up to check on the sales of dogs or whether the full amount received is turned over to the treasurer. An unscrupulous warden could collect a good amount by abusing his power. One dealer in the southern part of Virginia told me that he never picked animals up on the street but depended on dog wardens to keep him supplied with animals. He is one of the biggest suppliers having contracts in Washington, D.C., as well as Richmond, Va., and other cities.

Mr. Chairman, because of the abuses which have developed under the pressure of large sums of money available for research purposes and the demand for more and more animals for research use, we feel that our pets need protection from dognappers. Therefore, we urge the approval by this committee of H.R. 9743, which would be a big step in halting this illicit traffic. Thank you.

STATEMENT OF HAZEL M. WERT, DIRECTOR OF THE ANIMAL RESCUE LEAGUE
OF BERKS COUNTY, INC.

I, Hazel M. Wert, was a witness against Fred Brown, commercial animal dealer, on charges of cruelty and neglect.

Mr. Brown's kennels were located near Stouchsburg, Marion Township, Berks County, Pa.

Went to Brown's kennels looking for a mixed German shepherd dog on April 23, 1962. This dog was under the custody of the Animal Rescue League.

I learned that this dog had been turned over to the Lebanon County Humane Society and was adopted out under a fictitious name.

Upon further investigation with Mrs. Mary Yorty of 1142 Chestnut Street, Lebanon, Pa., a member of the board of the Lebanon County shelter, I learned that a Ronald Stager, who was on parole from White Hill Reformatory, was selling these dogs taken out under false names to animal auctions and commercial dealers.

With this information, I decided to visit Fred Brown's kennels. I went there in the company of Mrs. Katherine Engle, of Rural Delivery No. 1, Mohnton, Pa.

Fred Brown was not at the kennels. Was told by Mrs. Brown that her husband was out of State picking up dogs. She told us he went to Ohio, New York, and even to Canada.

On Monday, April 30, 1962, again visited Fred Brown's kennels in the company of Attorney Norman Dettra and Constable Richard Miller, both of Reading, Pa.

The Animal Rescue League also had a call from a Mrs. Catherine Gibson, of 82 South Lincoln Avenue, Salem, Ohio. Mrs. Gibson was a member of the board of a Salem animal shelter. She wanted information on a Fred Brown, who wanted to purchase dogs from their shelter.

On May 5, 1962, Mary Archer, president and agent for the Animal Rescue League, went before Squire H. F. Moyer, of 25 South Robeson Street, Robeson, Pa., and swore out a warrant against Fred Brown on charges of cruelty and neglect.

Mr. Brown was not available to serve warrant on until June 26, 1962.

A hearing was held in Squire Moyer's office, and Fred Brown spent a week in Berks County prison.

On May 22, 1962, Mr. Philip F. Colwell, agent for the Humane Society of the United States, visited Fred Brown's kennels and found conditions shocking. He sent a written, signed report to the league on his finding.

To Whom It May Concern:

The Humane Society of the United States, the largest national humane organization, is a chartered animal protective society in the Commonwealth of Pennsylvania.

I, Philip T. Colwell, a staff director of this society, visited the premises of Mr. Fred Brown on May 22, 1962. The house and kennel are located on old Route 422 in Marion Township, between Womelsdorf and Stouchsberg in Berks County. The purpose of this visit was to investigate reports of supposedly poor conditions at a kennel being operated on these premises. The kennel license is under the name of Marion Brown, daughter of Fred Brown. On arrival I found the premises to be filthy and rodent infested. On walking to the Brown house, I found 14 puppies, 6 to 7 weeks of age, in a chicken crate. These pups were without food and water and were left in the hot sun. According to Mrs. Brown, they were purchased the previous day by her husband and left in this crate. Approximately 20 other dogs were tied to doghouses and most of these animals were visibly sick and malnourished. None of these animals had water. All of the water utensils were rusted, and some contained feces and urine. Feeding utensils were in the same condition; and some contained chicken bones, which, I learned later from Mrs. Brown, were the type of food given the dogs.

On speaking to Mrs. Brown, I was informed by her that their daughter, Marion Brown, is a deaf-mute and is paid "pin money" by her father to work around the place.

Mrs. Brown, through hand signals, made her daughter Marion understand that I wanted the dogs watered. I assisted Marion in moving the crate of puppies into the shade. Marion did not bother to wash the water utensils but emptied the filth out and then put in the water. I questioned Mrs. Brown as to who owned the dogs and pups, and she stated, "My husband owns them all except for the Dalmatian bitch with the litter in the barn. They belong to my daughter." Mrs. Brown went on to say that her husband's business is to buy and sell dogs and that this was the only place he kept them.

Conditions at this location were appalling and the best classification that could be given is very poor. In 10 years actively engaged in this work, I have never seen a kennel as poor as this one.

At the present time I am confined to my home at 4513 Kirby Parkway, Oxon Hill, Md., under doctor's orders. If it were not for this, I would most certainly be present to testify at the court action involving Mr. Fred Brown.

Respectively yours,

PHILIP T. COLWELL,
The Humane Society of the United States,
Washington, D.C.

STATEMENT OF MILDRED D. WILLIAMS

Originally in Minnesota there was a State board that handled humane cases. Eventually, some years ago, the board turned those powers over to a newly organized group, the Humane Society of Minnesota. Apparently, this was satisfactory for a number of years. In Minneapolis an Animal Rescue League was at least partially supported by money and endowments of various wealthy families, and the purpose of the organization and its kennels was to care for strays and lost animals.

Some years ago, when animal experimentation began to demand a greater number of dogs and cats, the Animal Rescue League in Minneapolis became one source of supply. A tremendous amount of dissention was caused, as many people did not want the animals going to the laboratories and felt that lost, unclaimed pets should be quickly put to sleep if they could not be placed in other homes. The policy-governing groups that backed the Animal Rescue League fought with the medical research groups, who demanded the animals, and tried to change the situation by becoming more active and getting greater voice in the Minnesota Humane Society.

As the various openings for new board members would arise, each group would seek to gain more representation. This became a losing battle when large groups of medical students (with memberships at only \$1 each) in the humane society attended whenever there was going to be an election. For this reason the Minnesota Humane Society now is governed by people who are directly interested in research. Many are doctors, and many of them are connected with the University of Minnesota. I had heard about this controversy through the newspapers, sent in my initial membership of \$1, and attended my first meeting about 6 years ago. At the close of the meeting, they invited anyone who would be interested in helping with investigations and so forth to sign up; and I did so.

Mr. William Stanek phoned me a little before Christmas and asked me to go to Le Center, Minn., to inspect O'Malley's Dog Farm. It was about 8 below zero

and very windy that day. O'Malley's is over an hour's drive from Minneapolis. We pulled off a country road and up into a battered-looking farmyard. On the side of a hill were perhaps a dozen small doghouses with one dog chained to each. Sprinkled about the premises were old, wrecked cars and a truck or two; and various dogs were climbing in and out of these. Dogs live in the buildings and barn and in the cars. From inside the barn the cracks are so large that a person can see out between every board. In one room fenced off with chicken wire, he keeps an ever-changing number of dogs, usually about 40 of all breeds: big dogs and little ones, sick ones, and some that are all right. He tosses food into the center of the room to feed them. The water is frozen hard in the pans. It is easy to imagine which dog gets anything to eat. Outside there are a large number of dogs wandering about the premises. He buys an old cow, kills it, lets it lie on the ground, fur and all. This is the food for these poor animals, and it is pathetic to watch them fighting over the carcass, swallowing fur and parts in order to keep from starving. If one points out a sick dog, O'Malley will say: "Oh, that one should be hit over the head," and when asked what he does with the bodies, "Oh, I burn them over in the lot."

During one long subzero spell in the winter, we rescued a springer spaniel so thin that his entire bone structure showed. His eyes were white with matter, and he moved as though he was weak from being sick and hungry. He wasn't too weak to wag his tail, and we insisted upon removing this dog, though O'Malley said it was not sick. When we got it outside, the appearance was pathetic; and Mr. O'Malley now claimed it should be shot. Against Mr. O'Malley's protests, we took the dog to Dr. Kahle, a longtime Le Center veterinarian. He confirmed that the dog was sick and in terrible condition. Because the veterinarian had no boarding facilities, the dog was taken to Dr. Gyslan in Hopkins, who gave it extensive treatment for 5 weeks to get it well. The dog, now a happy member of a family at Lake Minnetonka, had almost been starved to death.

Dr. Kahle said he hadn't visited O'Malley's for 8 years, at which time the health officers were after O'Malley. They found at that time that O'Malley had been hardly even feeding the dogs. Kahle said, "A dog's life doesn't mean anything to O'Malley."

Checking back with O'Malley, we asked where he had obtained the springer which he claimed to have had about 1 week. He said he had a receipt in the house and proceeded to search through many papers. Then, acting mystified, he said he couldn't find a receipt after all but that he had purchased it along with a number of others from John Fox, Jr., of Forest City, Iowa, who brought him dogs two or three times a year. I phoned John Fox, Jr., and he said he does laboring work and the town of Forest City turns stray dogs over to him and that regularly, once every 4 weeks, he delivers same to O'Malley. He has been delivering an average of 6 to 12 dogs per trip for about 4 years from Iowa. He remembered this particular springer, said that O'Malley had had it about 3 weeks and that he, Fox, had acquired it in good condition from a farmer in Forest City. Said farmer had raised the dog from a pup. Here is a case where a lovable springer spaniel was handled in an unbelievably merciless manner, almost frozen and starved. Many dogs rescued from O'Malley's and taken to Dr. Gyslan's for treatment were so sick that whole pieces of fur, intestines, etc., were thrown up and found in their cages.

There are a number of dog handlers in Minnesota who, in varying ways, resemble the situation described above. Their methods are merciless. Starvation, suffering, and pleas for help fall on deaf ears. There is no pity in this kind of dog handler. The situation is extremely serious in Minnesota, where the weather is sometimes 10° to 20° below zero.

We attempted to see the county attorney in Le Center; and he was very hard to locate, repeatedly out of town or impossible to see. Eventually, on one visit we did manage to catch him in his office. He did not want to take action against O'Malley and claimed that O'Malley was just trying to make a living and support his family and not live off the county, and he intimated that this justified anything. We got the attorney to go to the courthouse and we filed a case, all the time being told by the county attorney that they were so busy we never would be able to have the hearing.

While I was waiting to see the judge to file the case, I told the entire case to a lady I supposed was a secretary in the office, hoping that she would go out to see the thing firsthand. Naturally, I was amazed to find that this "secretary" was the judge, Judge Brown. After many weeks and no hearing, we were informed by the county attorney that they were too busy to hear the case. Two days later he phoned hurriedly to say that Judge Brown would hear the case that

morning if we could get right down there, which we did. She decided that we should be allowed to inspect the premises and that he must clean up the place and provide adequate housing and food for his animals while they were at his dog farm. However, the Minnesota law has been altered making it virtually impossible for anyone to enter or inspect the premises.

At a meeting of the Minnesota Humane Society, they decided that any further inspections could be handled only by an appointed group designated by them and that this group would have to be members of the board.

I also visited a nightmarish place at Mayer, Minn., where the farmer met us with a shotgun in his hand. This time, at Marguerite Morrison's insistence, he opened a pair of barn doors, disclosing chicken wire across the entrance and maybe 35 to 50 dogs crowding toward us. Again, it was fiercely cold and windy and it was just getting dark. Marguerite noticed one little dog on the ground at the bottom with the others standing on it. This dog was too sick to rise or get out of the way. The farmer fished the dog out for her, and she insisted upon, buying it; and we put it in the car and took it back to Minneapolis.

That night I bathed the dog at my home. It was a black and white, very appealing, part spaniel, about a year old. The next morning I discovered that the dog's tummy was one mass of open sores, maybe from a combination of infection and freezing, I don't know. Again this dog was taken to Dr. Gyslan in Hopkins and doctored. After weeks we realized that the dog was incurable and it was put to sleep.

Exactly at that time, I attended another Minnesota Humane Society meeting, again crowded with medical students and doctors. Mr. Adams made a lengthy speech explaining that he and, I believe, Dr. Kubecheck, and the president of the humane society had visited O'Malley's and the dog farm in Mayer, Minn., in answer to complaints and found them to be giving good care to the animals. He inferred that the people who had made the investigations and complaints to him were troublemakers, were interfering where they were not wanted, and that they were totally incorrect.

After the talk, I explained to the group exactly what I had seen and described the horrible conditions that I found and the fact that I had one dog from Mayer in my home that very day. Following the meeting, my husband and I cornered Dr. Kubecheck and discussed the terrible conditions with him, explained that the medical research and the university create the market for such dog farms and O'Malley's in particular, and that, therefore, they had a responsibility in the case. After lengthy and heated discussion, Dr. Kubecheck said that he had seen the places and the conditions were no concern of his. (I understand that Dr. Kubecheck is not a medical doctor.) Somewhere during the meeting it was announced that the entire proceedings were being tape recorded.

About 2 months later, someone was sent from the university to Hopkins to confer with Dr. Gyslan; and it was his impression that they were attempting to ascertain that possibly I had either stolen the dog from Mayer, Minn., or had misconstrued the facts in the case.

I went to the attorney general of Minnesota, Walter Mondale, who is now Senator Mondale, and we discussed the entire matter; and some of his assistants helped to frame a kennel licensing bill for Minnesota. At his suggestion, I then conferred with Dr. Flint, head of the Minnesota Livestock Sanitary Board. Dr. Flint was extremely sympathetic and cooperative. He showed me a map pointing out his fieldworkers and inspectors who he felt probably could handle this new licensing and inspecting along with their regular work. He felt that additional assistance might be needed and that the licensing fees would help considerably in financing the project. He already knew about the fact that animals were being transported across State lines minus proper inspection against State laws. He felt that this new licensing method would make it much easier to check on dog farms and dog shipments since it called for bona fide bills of sale.

It finally came time for a hearing at the Capital before a committee. The committee was most receptive and kind, and Senator Benson amazed me by telling vividly of a horrible dog farm near his place up North and urging them to support the bill. I had noticed a man that I had seen at the humane society meetings talking constantly in the hallway to Dr. Flint and sitting beside him at the committee hearing. Flint's attitude and story when he was called upon by the committee were a reversal from what he had said before. He now felt that the project would be extremely costly and intimidated that it would be impractical and almost impossible for his department to handle.

STATEMENT OF MRS. MILDRED D. WILLIAMS, PRESIDENT, HUMANE SOCIETY OF THE UNITED STATES, MINNESOTA BRANCH

A trailblazer for this humane legislation was the humane slaughter bill, passed several years ago, and now a law of the land. This bill now is not pioneering, it is merely one more step in the path toward greater progress and humanity. No one can say that the meatpackers were not a difficult, moneyed group to combat, and their arguments were much the same as we are now encountering again on this new bill—that we don't need the legislation, that it won't work, and that it will cost too much money. Remember the strong groups of fine people that rallied to our defense, the Shrine, the Salvation Army, the Catholic Women's League, the Methodist Church, etc. Again we know that animal protection in this bill is urgently needed and we are again fighting a moneyed organization. We have no money, only a just cause.

To date, the opposition to the bill has expressed often:

1. That they believe the legislation would make animals used in research cost them more money.
2. That they do not believe the legislation is needed.
3. That they don't believe legislation would handle the problem effectively.
4. That accounts of the horrible dog farms—the starvation, cruelty, callous handling—are exaggerated or false.

In answer to the first—that animals would cost more money if legislation to license dog farms is in effect—all a dog needs is a little inexpensive food, some water, and a shelter to keep him from freezing. Any dog dealer who will not give humane care to animals in his possession should not be permitted to handle animals.

Medical research is done largely through government and publicly owned organizations. As such, they should be only permitted to buy any supplies—including their animals—through legitimate dealers.

It may be that dog dealers are already receiving sufficient payment for the dogs they sell to easily provide decent care. Now it is up to legislation to state what the care should be.

Regardless of price, cruelty must not be condoned.

On the second point, the opposition does not believe legislation is necessary. Present conditions I have witnessed are unbearably cruel. Research people have repeatedly put their stamp of approval on the horrible places—by testimony and by being steady customers and keeping the dog farms in business.

Research institutions have demonstrated that their whole concern is only with the purchase price of the animals. Dr. Kubichek from the University of Minnesota told me personally, when discussing conditions existing at O'Malley's Dog Farm and at a dog farm at Mayer, Minn. (two University of Minnesota suppliers), that those terrible conditions were "no concern of his."

None of the researchers that I have ever heard on this subject have ever claimed to have made any efforts toward improving the conditions. Mr. Adams and Dr. Kubichek visited the two dog farms mentioned above at practically the same time that I visited the places with a group from the Humane Society of the United States. At O'Malley's it was about 11° below zero and all drinking water was frozen solid in the pans. Only a portion of the dogs had any shelter and this in a lean-to unheated barn with almost no straw on the floor. Food was tossed into the center of the barn and all dogs had to fight for what they could get. Outside some junked cars with doors missing housed other dogs. A dead cow—fur and all—was the food and several dogs were fighting over it. (See photo submitted.) Sick dogs, large and small dogs—all breeds were crowded in together in one section of a barn (about 40 dogs). Outside, a mother dog and four small puppies had as their only shelter a 12-inch board leaning against a building. A pig with a torn and bleeding ear was being chased by two hungry, large dogs.

Since Mr. Adams and Dr. Kubichek gave this place and another a clean bill of health and their approval, the need for a Federal agency to set standards of decency in the handling of animals is unmistakably apparent.

Third, research does not believe legislation could handle the problem effectively. Why is this field any different from any other where legislation is used to control abuses. Our reason for laws is to control and prevent injustices. Particularly in this field, where defenseless animals are involved, Federal legislation is urgently needed.

Fourth, that accounts of the conditions at the dog farms—the starvation, cruelty, callous handling—are exaggerated or false. The cases related here by individuals who have come to testify are only a tiny drop in the immense well of cruelty that we have uncovered, and obviously even worse things happen when investigators are not present.

We are not fools nor liars. No one pays us to come here. I bought my own plane ticket and pay my own expenses. We know we fight a big-moneyed organization. Medical research is highly financed and its men are well paid. We come because what we have seen is so cruel we can't forget—it's against everything decent—it's been going on for years and must be stopped. People who give their own money, time, health—everything—because they can't bear to see such misery continue are not liars: they are telling the truth.

The arguments against this bill by the opposition—that we do not need this legislation, it will not work, etc.—are similar to those used to fight legislation requiring humane killing of cattle and hogs in the packing plants.

After the humane slaughter bill went into effect and packers changed their methods, they found that the changeover was far more economical and they would not want to go back to the old ways. Likewise, research will find that the new method is good business, and will insure better animals and more successful research, and, it will be less drain on the taxpayer's money, an all-around economy.

We don't say research can't have animals, we say dealers must be humane and must feed and shelter animals in their possession. I don't see how any decent person can disagree.

ITHACA, N.Y., August 31, 1965.

Hon. HAROLD B. COOLEY,

Chairman, Agriculture Committee, House Office Building, Washington, D.C.:

We understand congressional hearings on Resnick's H.R. 9743 and related bills will be held Thursday, September 2. Since these bills attempt to regulate transportation of experimental cats and dogs to hospitals and research institutions, their restrictive provisions will seriously limit experimentation. We therefore are opposed to these bills and hope you will voice your objections to the Resnick and related bills. We request that our message be included in the printed record of hearings.

ELLIS P. LEONARD,

*Acting Dean, New York State Veterinary College, Cornell University,
Ithaca, N.Y.*

ST. PAUL, MINN., August 29, 1965.

Hon. W. R. POAGE,

*Chairman, Subcommittee on Livestock,
House Committee on Agriculture,
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN POAGE: I respectfully ask you to enclose the following statement in the published record of the hearing on bills which propose to license all dog and cat dealers and laboratories purchasing from them and would make theft and mistreatment of these animals a Federal offense.

For over 10 years, I have been one of a group of persons trying to remedy the wretched conditions for animals in kennels and dog stations in Minnesota. Dog-collecting stations from which animals are sold to research institutions have mushroomed in the State in recent years. The dogs are collected by every conceivable means: seized when they congregate to a site where a female animal in heat is deliberately placed; through advertisements enticing owners to bring unwanted animals for new home placement (then turned over to research laboratories); through purchase of the surplus dogs of farmers and dog wardens; through stealing of animals that have homes. The want ads of both St. Paul and Minneapolis newspapers post ads, some of them running for weeks and even months at a time, sometimes with offers of rewards up to \$500 and on a few occasions, even higher rewards. Not very many of the animals get returned.

"Accredited agencies" are what the University of Minnesota calls some of these collection depots. Even the University of Minnesota newspaper protested the university doing business with such places. Attached to this statement is a copy of an editorial from the Minnesota Daily, January 7, 1964, in which this opinion was expressed: " * * * the university is buying animals from establishments that, while they could not be termed illegal, certainly could be called questionable * * * "

I understand that opponents of the proposed bills (the National Society for Medical Research) are claiming that in the 11 States which have adopted dog pound seizure laws (Minnesota is one of these States), the existence of such laws guarantee that pets will not be stolen. Such an irresponsible generality is about

the same as saying that since the necessities of living are given to those who cannot provide for themselves, there will be no stealing. The fact that research institutions can obtain pound animals does not deter the dishonest dealer from picking up pets when he can do so. Minnesota has had a seizure law for 16 years, but pet stealing has sharply risen each year. Sheriffs in Minnesota have reported the mysterious disappearance of large numbers of dogs in a particular community, often simultaneously.

Very frequently, Mr. Ralph Rohweder and others in the NSMR have inferred that seizure laws or, as they term them, "laws regulating the scientific use of animals" are a safeguard for everything from sparing animals unnecessary suffering in laboratories to protection against pet stealing. They exist for one purpose only—to force surrender of impounded dogs to laboratories. As you can see from the attached copy of the Minnesota law, posted by the Minnesota Livestock Sanitary Board, there is not one single word indicating that animals must be spared unnecessary suffering, nor is there one single word about the stealing of pets for sale to laboratories. The Minnesota Livestock Sanitary Board does post a few regulations on size of cages and a few very generalized directives, but the board does not even use the authority given to it by law to prevent gross violations of its own regulations.

As a doctor in Minnesota wrote me on November 18, 1964: "Concerning Mr. Rohweder's statements about present animal care, I cannot understand how he can say such things. He is a master of innuendo and deceit. Fortunately, his statements are so extreme, they must, I should say, defeat themselves in the eyes of most people. But of course there are many who will believe anything especially if there appears to be some authority behind it."

A separate report has been sent for inclusion in the published record of the forthcoming hearing which covers details of visits that Mrs. Robert L. Dyce and I made to dog-collection stations this summer. A description of conditions at O'Malley's in Le Center, Minn., is included in the report. O'Malley's in the summer is enough of a shock but O'Malley's in the winter is almost beyond credence. During the subzero temperatures of this State, dogs are kept in wrecked cars, unheated barns, or scarcely any shelter at all. Temperatures in Minnesota sometimes get down to 25° below zero, on occasions even lower. The suffering of the animals is not difficult to imagine. Mr. O'Malley used to throw out a carcass of an animal (not even dehaired) for food for the dogs and the sick and weak dogs could not compete for this kind of food with stronger dogs. I do not know if Mr. O'Malley still uses this method of feeding his dogs in the winter. On one occasion, a dog was purchased from O'Malley's and taken to a veterinarian. The dog was vomiting up bits of hair and hide and subsequently had to be destroyed because it was so ill. The attached copy of the Minnesota Daily editorial refers to O'Malley's and levels criticism on the university for buying dogs there.

All efforts to negotiate with these people for better treatment of the animals in their possession have proved futile. Prosecution has also failed, due to the fact that some dog dealers seem to have political connections which allow them to pressure a prosecuting attorney. We have all been warned of possible counter suits charging libel, and on one occasion, my confidential letters to a county attorney relating to a defendant were in the defendant's possession. I was warned about this by a small newspaper editor to whom the defendant had shown my letters and if it were not for the fact that I called the county attorney on this breach of confidence, I am sure I would have been sued for libel by the defendant, since his case had been dismissed by the judge.

Confirming the fact that Minnesota anticruelty laws are totally inadequate to control this type of new business (procurement and sale of animals to research laboratories) comes from two authoritative sources in Minnesota. Dr. Flint, executive secretary of the Minnesota Livestock Sanitary Board, was questioned by a Minnesota Daily reporter about the problems involved in the bad conditions at these places and his answer was published in an article from the January 7, 1964, issue of this newspaper: "There is a lack of proper facilities, lack of adequate protection from summer heat and winter cold, inadequate feeding and watering facilities, and unsanitary conditions." When asked why the State anticruelty laws, which outlaw such treatment, don't work, Dr. Flint replied that only through a system of licensing and inspection for enforcing standards of animal treatment would a law work. Robert W. Johnson, Anoka County attorney, was also questioned and said: "The anticruelty laws were written with a naive approach. Legal loopholes in the anticruelty laws make it difficult to enforce the humane treatment originally intended by the laws."

But efforts to pass State legislation dealing with the problem have also failed. The Humane Society of the United States, Minnesota branch, has supported bills proposing licensing and humane standards of care for these animals since 1961 and during the 1965 session of the Minnesota Legislature, the St. Paul Humane Society, Pet Haven of Minnesota, Lake Region Humane Society, Band of Mercy, and Arrowhead Animal Allies united in this effort. The hearings in the Minnesota Legislature have been dominated by so many opponents that, with regularity, bills have failed in each session.

At a Senate hearing in 1963, Senator C. J. Benson swiftly became a staunch supporter of the proposed legislation and testified that he had been distressed over the incredibly wretched conditions at a dog-collection station near his home in Ortonville, Minn., where dogs were tied to trees even in subzero temperatures. He and Judge John McDonough, judge of probate court in Washington County, were so outraged at these gross cruelties, they were determined to get a bill enacted. However, even when the proposed bill in 1965 was amended to cover only those establishments which resell to research institutions, the small breeders protested with such vehemence, the bill was defeated again. At every hearing, representatives of the University of Minnesota Medical School were in attendance, and it was perfectly obvious that there was collaboration between them and the opponents, although they did not directly oppose.

Since for so many years, negotiation, prosecution, and agitation for a State law have all proved futile, the only hope lies in Federal action. Indeed, the entire burden of preventing such gross mistreatment of so many thousands of animals rests upon our Federal Government.

Therefore, I urge you to do everything within your power to promote passage of the Resnick bill, H.R. 9743, because it would not only cut down on the traffic in stolen pets and make mistreatment of all animals acquired by dealers a Federal offense, but it would also set up standards for decent care of the animals in research laboratories. The Pepper bill does not contain the safeguard for animals in laboratories. Let us quickly bring at least this help to the pathetic creatures who still have no recourse after 5 years of congressional efforts to pass a regulatory bill to protect them from excessive abuses.

Please permit me to say that it has been a real pleasure to write to you again, Mr. Poage, for I well remember your magnificent support and contribution to the enactment of the Federal humane slaughter bill when it was pending.

I know that you share with me the conviction that one measure of a civilized nation is its attitude toward helpless animals and its treatment of them.

Sincerely yours,

LUCILLE MOSES (Mrs. Aaron).

STATE UNIVERSITY OF NEW YORK,
UPSTATE MEDICAL CENTER,
Syracuse, N.Y., September 1, 1965.

HON. HAROLD D. COOLEY,
*Chairman, Agriculture Committee,
House Office Building, Washington, D.C.*

DEAR SIR: I object to the passage of Resnick H.R. 9743 and other bills aimed at Federal regulation of transportation of laboratory animals.

Restrictive legislation relating to the supply of dogs and cats will only serve to hamstring medical research in this country.

The high quality of medical knowledge and treatment in the United States is a product of free, unhampered efforts of dedicated investigators.

Please include this comment in the printed record of the hearings.

Respectfully yours,

W. B. KINTER, Ph. D.,
Professor of Physiology.
A. E. FARAH, M.D., Ph. D.,
Director of Pharmacology.
SAM MARTIN,
Principal Animal Caretaker.

MEDICAL SOCIETY OF THE STATE OF NORTH CAROLINA,
September 1, 1965.

HON. HAROLD COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. COOLEY: The following statement is submitted on behalf of the Medical Society of the State of North Carolina with respect to H.R. 9743, 89th Congress.

Officials of the society have carefully studied this bill, and we have consulted the deans and other officials of the three schools of medicine in North Carolina: the School of Medicine, University of North Carolina, Chapel Hill, N.C.; the School of Medicine, Duke University, Durham, N.C.; and the Bowman Gray School of Medicine, Wake Forest College, Winston-Salem, N.C. I have been authorized by the foregoing schools of medicine to inform the Committee on Agriculture and its Subcommittee on Livestock and Feed Grains that the views of each of these schools regarding H.R. 9743 coincide with the views of the medical society expressed herein.

While both the medical society and the medical schools endorse the laudable, very acceptable, stated purpose of the bill; namely, to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats for purposes of research and experimentation, we do not agree that the mechanisms proposed in H.R. 9743 would accomplish this end. On the contrary, we believe that the net effect of this bill, if enacted, would be detrimental and restrictive to legitimate scientific research and to medical education, and would render the legal acquisition of such animals for these purposes much more difficult and much more expensive.

Our reasons for reaching these conclusions are detailed in the attached statements from the medical schools.

We would further point out that a large share of the increased expense of animal acquisition would ultimately evolve upon the Federal Government, inasmuch as a large part of the research projects carried on at all medical schools are underwritten by Federal grants.

It seems pertinent to point out that two new, recently authorized Federal research facilities just getting underway in North Carolina will undoubtedly require significant numbers of such animals in carrying out their very essential studies. I refer to the Environmental Health Center, in the research triangle area, and to the Toxicology Study Center in Chapel Hill. It is our belief that the efforts of these centers as well as countless other similar facilities across the Nation would be hampered by the unnecessary restrictions proposed in the bill.

We would reiterate a statement made by the American Medical Association in presenting testimony on a related bill during the 87th Congress:

"The people of our Nation enjoy the highest standards of medical care in the world. This is one of the direct results of the world leadership of the United States in medical research. Most medical and biological research depends on the use of animals in experiments and tests. Animals have benefited quite as much from research as humans with the conquest of such deadly maladies as hepatitis, cholera, and rabies. Virtually all medical advances—antibiotics, hormones, vaccines, new surgical procedures—trace directly to animal experimentation. Scientists, before all others, must be concerned with the humane treatment of animals, because any deviation may well vitiate the experiment and the result."

This bill does not reflect the actual methods and procedures used in the acquisition of 99 percent of such animals. This legislation implies an unjustified indictment of scientists, research institutions, doctors, and the vast majority of reputable animal dealers which is unwarranted. The implication of the proposal is that such scientists, institutions, and dealers avidly seek and knowingly trade in the acquisition, buying, and selling of stolen pets. We maintain that such a situation, if it ever exists, is the very rare exception; moreover, for the reasons stated in the attachments to this letter, the proposed legislation would not correct such a situation. Existing State and municipal laws, university rules and regulations, codes of ethics, and the actual requirements of proper scientific research are adequate to secure and protect the objectives of the proposed legislation.

We thank you for giving us the opportunity to express the views of the physicians of North Carolina on this important bill. We respectfully request that this statement by the Medical Society of the State of North Carolina, and the attached statements from the three schools of medicine in this State be included in the record of the hearings on H.R. 9743, 89th Congress.

Sincerely yours,

EDGAR T. BEDDINGFIELD, Jr., M.D.

BOWMAN GRAY SCHOOL OF MEDICINE,
August 31, 1965.

To: Dr. Mason Meads, dean.
From: Thomas B. Clarkson, DVM.
Subject: Analysis of H.R. 9743.

The following points would seem pertinent to Dr. Beddingfield's preparation of an opposing statement for the subcommittee hearings to the Resnick bill H.R. 9743:

1. The primary intent of the bill is to prevent the use of stolen dogs and cats in medical research. The proposed means toward this end is to require dealers to identify the animals and hold them at their facilities for 5 days before they are sold. Dog and cat dealers usually collect animals over a three to five State area. Because of the distances involved I cannot see that imposing a 5-day holding period would increase the owner's likelihood of retrieving a stolen pet. On this basis, the mechanism proposed in the bill would not be adequate to achieve its stated objective.

2. I would question the ability of a Federal act to control transportation of animals "between points within the same State" (sec. 2-c).

3. The bill is discriminatory in nature in that it pertains exclusively to transactions between dealers and "research facilities." Pet shops, hunt clubs, etc., have not been included.

4. The bill as written would be restrictive to medical research and would significantly increase the cost of research in those States where dogs and cats can be obtained from pounds (such is the case in North Carolina). The three medical schools in North Carolina now purchase dogs and cats from pounds at \$2 each. If we were forced to purchase them from dealers the price would be between \$20 and \$30 each. Bowman Gray and the University of North Carolina are currently using about 2,000 dogs and cats each year. Duke is using about 6,000 dogs and cats per year.

It is important to point out that all three medical schools are "research facilities" according to the definition in section 2f.

In the event that amendments are needed I would suggest the following:

1. That dealers be restricted to the purchase of dogs and cats from city-county dog pounds or by bill of sale from the owner.

2. That section 2f be reworded to allow "research facilities" to purchase dogs and cats from pounds.

an3. To make it illegal on a discriminatory basis for city-county dog pounds to refuse sale of dogs and cats to "research facilities."

DUKE UNIVERSITY MEDICAL CENTER,
Durham, N.C., August 30, 1965.

Dr. EDGAR T. BEDDINGFIELD,
Community Clinic, Stantonsburg, N.C.

DEAR DOCTOR BEDDINGFIELD: We would like to support any action you take in opposition to H.G. 9743. We believe strongly that this bill would not be in the overall public interest, since its effect would be to restrict the conduct of medical research. The law would apply to practically every medical school "research facility" (as defined in sec. 2 of the act), and would subject them, therefore, to licensing by the Secretary of Agriculture and to any rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this act (sec. 11). This would result in potentially unrestricted control of the licensed research facilities.

Section 5 of the act is particularly controversial since it gives broad authorization to the Secretary of Agriculture to set standards to govern the handling and well-being of animals in "research facilities." This would encompass every medical school in the United States. The implementation of such legislation would require extensive investigative and secretarial forces, and it is unlikely that the ultimate result would be a true improvement in the care and health of animals. In contrast, a positive approach to this goal is provided by H.R. 5191 which supports research in animal health and care, training of responsible personnel, dissemination of information on laboratory animal health, and design and provision of facilities appropriate for high standards of laboratory animal health.

Section 10 states that "no research facility shall purchase any dogs or cats except from a licensed dealer." If literally applied, this would mean that the

main source of dogs and cats; namely, local and county pounds, would be largely excluded as suppliers to medical institutions. Thus, the bill goes far beyond its apparent intention of only restricting animals involved in interstate commerce.

For the above reasons, we feel that the effects of H.R. 9743 could be seriously damaging to medical research efforts and thus against the public interest.

Sincerely yours,

WILLIAM R. ANLYAN, M.D.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL,
THE SCHOOL OF MEDICINE,
LABORATORY ANIMAL FACILITY,
August 31, 1965.

EVALUATION OF H.R. 9743

H.R. 9743 represents an attempt to eliminate the reported theft of pet dogs and cats and the supposed use of stolen animals by research institutions (p. 1). It is important to examine these assumptions critically to determine their validity. If the first supposition is, in fact, true, then it also may be totally unrelated to the second one. Undoubtedly, many animals that are stolen are stolen for purposes other than for attempted sale to research institutions.

The majority of animals used in research activities at the University of North Carolina are obtained from local and county pounds. These pounds have holding period requirements which are adequate to allow pet owners in the State to locate and claim their strayed animals. Dealers who acquire dogs from various sources for resale to research institutions collect them from many States and transport them to a central point, possibly many hundreds of miles distant from their origin. Should a stolen animal be included in such a group, no holding period (proposed 5 days by H.R. 9743, p. 4, line 20) would be adequate for an owner to locate his pet. He would have no idea in which direction to begin searching. The only means of reducing the reported theft of pets is by more reasonable pound laws to allow research institutions to use unclaimed animals. Making stray animals available to all research institutions throughout the country would be far superior to the encouragement of local and State laws paralleling H.R. 9743 (p. 4, lines 12-18) since it would be a means of removing the chance of a quick profit in illicit traffic of animals.

At present, I assume that private concerns which procure dogs and cats for resale distribute them as soon as possible. The proposed 5-day holding period would increase the chances of animals being exposed to parasites and infectious diseases to which they would be more susceptible because of their wide geographic origin and varying immunities. This would severely affect the valuable use to which dogs legitimately obtained could be put since more animals would be diseased. It would have the result of greatly increasing the cost of medical research activities requiring dogs and cats. The previously mentioned local pound requirements in North Carolina are for 5 days or more but the disease exposure is of less importance because of similar geographic origins of all animals.

Dogs and cats used by the UNC School of Medicine are obtained within a 100-mile radius of Chapel Hill, hence are in transit a maximum of 3 hours. They receive water prior to loading and are watered and fed on arrival at the animal facility. The vehicle used provides protection from inclement weather that would adversely affect the health of the animal. The Institute of Laboratory Animal Resources of the National Academy of Sciences has been instrumental in defining standards for the transportation and use of research animals. Research institutions in the State of North Carolina are meeting many of these standards as they pertain to the majority of laboratory animals.

Several questions need to be answered concerning this bill before a more critical evaluation can be made:

1. Can the Federal Government regulate the intrastate movement of dogs and cats as proposed on page 2, line 9?

2. Will county and local pounds in the State be eligible to become licensed "dealers" as described on page 3, lines 3 to 6 and, if so, can the Federal Government require them to meet specific standards?

3. What rules might the Secretary of Agriculture place on licensure of institutions as mentioned on page 3, lines 7 to 11, or on records required by research facilities on page 4, lines 8 to 11?

4. What agency will be responsible for advising the Secretary on transportation standards required on page 3, lines 21 to 24?

In summary, H.R. 9743 would be extremely detrimental to the research activities of the University of North Carolina since it would eliminate our present sources of dogs and cats unless local pounds and animal shelters could qualify as licensed "dealers." The possibility exists that standards for maintaining animals at shelters could be made too rigorous to be financed by small communities, hence more stray animals would be unavailable to research. H.R. 9743 would also require our meeting as yet unknown standards for transporting animals.

Even if the cumbersome mechanics of this bill functioned smoothly, the end result would be a greatly increased cost of dogs and cats for research with no improvement in their quality and a probable deterioration in their state of health. The bill will have no effect on animal thefts.

JAMES R. PICK, D.V.M., *Director.*

THE NATIONAL ANTI-VIVISECTION SOCIETY,
Chicago, Ill., September 2, 1965.

Hon. W. R. POAGE,
*Chairman, Subcommittee on Livestock and Feed Grain,
Longworth House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: It had been my hope to come to Washington to appear and offer in person the views of the National Anti-Vivisection Society on the Resnick bill, H.R. 9743, and related bills, which have the entirely commendable purpose of preventing the sale or use of stolen dogs or cats for purposes of research or experimentation. I believe, however, if you consider it desirable and proper, inclusion of this letter in the record of your committee's hearings on these bills will suffice.

Thirty-five years ago, the National Anti-Vivisection Society was chartered for the sole purpose of combating vivisection. Formally, it can take no official position on matters outside the scope of this mandate. However, it would be pedantic to remain blind to the fact, which our information compiled over three decades bears out, that between 40 and 60 percent of the cats and dogs which find their way to the laboratories are either stolen or strayed from owners who would be horrified and outraged to learn the circumstances of their suffering and death. I do not believe that there are any among our tens of thousands of members throughout the United States who would not strongly support a measure which gave promise of putting an end to the crime of stealing pet animals for such a use.

We have, in fact, steadily used our resources to strike at the root of this evil. Not the least of those resources has been the aggregate experience of the society's membership. Great numbers of our members, in every State and locality, have made a lifetime avocation of active work in tracing down lost or stolen animals, giving warning of dog and cat thieves, and gathering data on shady middlemen and purchasers of pets whose owners go in vain to the police, and as their hope dwindles, advertise and offer rewards for the return of their dog or cat, most often without result. The information gathered by these devoted men and women is an indispensable part of our files on this subject.

But we have also had professional assistance. In an effort to curb the steadily increasing traffic in stolen pets, we engaged the Burns Detective Agency a few years ago to discover and gather evidence against the thieves and their middlemen. At a cost of thousands of dollars, we got bulging files of names and actual pictures of incredible transactions. I shall return to this matter in just a moment. However, my point here is that the basis on which to venture to place our view before your distinguished committee is an aggregate direct experience of literally hundreds of lifetimes with the exact problem to which H.R. 9743 is addressed. That experience is, of course, nationwide in scope, and factually detailed.

Several years ago, our staff drafted a proposed bill somewhat along the lines of the bills now under consideration. It was hoped, in fact, that it might be introduced into Congress. However, for reasons which I shall explain in detail, attorneys and legislative experts advised us that our draft was almost certain to meet constitutional objections, on the ground that its pivotal section would impose an unreasonable burden on commerce. The provision in question called for a bill of sale to accompany all shipments of animals to research institutions. Because the volume of such shipments is immense, running into hundreds of millions annually, of animals of all species, an almost impossible mountain of paperwork would have been saddled on the interstate carriers.

However, without a provision of this sort, we are convinced that no effective measures can be taken to curb the traffic in stolen animals. The nub of the problem is identification of the animal. Unless positive identification can be made, the owner cannot reclaim the animal, the prosecutor cannot act, the inspector is helpless. Any law, no matter how firm its statement of policy, no matter how strict its procedures of licensing, no matter how stringent the penalties it invokes, must necessarily be and remain simply a paper tiger, unless identification can be made and the legal fact of theft established. For if the identity of the animal is in doubt, any doubt whatsoever, then there must necessarily exist a reasonable doubt as to whether a crime has been committed, and the entire machinery of law enforcement falls to the ground, as far as any thief or receiver of a stolen animal is concerned. And I must respectfully point out that a law which fails of its purpose, a law which can be laughed at by the lawbreaker, does not have even a minatory effect. It is useless, and worse, for it undermines, to that extent, public respect for our government of laws, it weakens the structure of our society.

Our experience, and the experience of hundreds of private animal shelters and public pounds throughout the country, prove that physical identification of an animal such as a cat or dog, in circumstances like those envisaged here, is absolutely impossible. Even with the splendid and scientifically oriented methods of the FBI and our fine local law enforcement agencies, with the fingerprint system, and photographs, and blood tests, and microscopes, and dental charts, and the hundred other means which have been developed, the fact remains that many human beings, both dead and alive, cannot be definitely identified. With animals, the problem is inexpressibly further from acceptable solution.

To state the matter precisely, identification of an animal rests simply on mutual recognition between the owner and the animal. If the animal is stolen, no collar or tag will be allowed to remain attached to it. Physical description is hopeless for legal purposes—we estimate that there are today between 70- and 80-million owned cats and dogs in this country. Features such as breed, size, weight, color, age, and markings are duplicated endlessly. (Perhaps the most difficult task in an up-to-date animal shelter is matching up the descriptions of lost animals with the strays brought in. Yet in such cases, there is no theft or concealment involved, and the area and the number of animals is confined to the extent of not more than a single county. No sane person would undertake such a task on a nationwide scale.) We have studied the experience of humane societies with various identification schemes, such as tattooing; we find insuperable practical difficulties in every one of them. The number of animals involved is too large, the factors are too various, the scope of the effort necessary involves an impossibly large geographical area and expense. Even when an owner says, "That is my dog," experience shows that a mistake is involved surprisingly often. And, of course, an animal cannot testify.

We have carefully studied H.R. 9743 and its companion bills with an eye to this problem. We note that the scope of these bills is limited to cats and dogs, very carefully defined. It is certainly true that nearly all of the owned animals stolen for sale to research institutions are cats and dogs. The elimination of this type of crime would be hailed and appreciated more than words can express by the four out of every five Americans who own one or more pets, or who have, at some time in their lives, belonged to a pet-owning family. However, we note that section 6 of the bill says merely:

"All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be marked or identified in such manner as the Secretary (of Agriculture) may prescribe."

I respectfully suggest that this provision merely transfers to the Secretary a problem which, as the foregoing paragraphs indicate, the most diligent and energetic efforts of those most interested and dedicated to the search have been utterly unable to solve, up to the present time.

If what I have suggested is true, then the key provision of the bills now before your committee is left uncertain and in serious danger of remaining ineffectual. Because of the deep concern with which our membership views this problem, I venture to make a positive suggestion, in the hope that it may prove of genuine assistance in attacking this critical difficulty. The suggestion is as follows:

An attorney associated with our society has suggested the following language as a substitute for the present section 6 of H.R. 9743 and similar bills:

SEC. 6. (a) Each dog or cat delivered for transportation, transported, or sold in commerce to a research facility or for shipment to a research facility

shall be physically accompanied at all times by a serially numbered certificate in such form as the Secretary shall prescribe.

(b) Such certificate shall contain: (1) An accurate description of the animal, by species, breed, sex, age, color, and other identifying characteristics; (2) the full and correct name and permanent residence address of the legal owner; (3) a statement by such owner that the animal has been lawfully in his possession more than thirty days, giving the full circumstances, date, and place at which it was acquired; (4) a statement by such owner, giving the date and place of sale or transfer, that he herewith sells or transfers the animal to the dealer for shipment or resale to a research facility; (5) the signature of the owner; (6) a statement by the dealer that he has verified the identity and permanent address of the owner as they appear on the certificate, giving the means of verification in full; (7) the name, address, and signature of the dealer, together with his license number under this Act; (8) a prominently displayed warning that any false statement made on the certificate constitutes a Federal offense punishable by a fine of \$10,000, or imprisonment for one year, or both.

(c) A true copy, completely filled in, shall be filed by the dealer at the United States Post Office nearest to the place of sale named on the certificate, not less than five business days prior to any shipment or resale of the animal by the dealer. Such copy shall be preserved at the said Post Office for not less than thirty days, and shall be open to inspection by the public. Thereafter, such copy shall be forwarded to the Secretary.

(d) Two true copies of the certificate, bearing a post office stamp in evidence of filing, shall be furnished by the dealer named thereon to any purchaser or transferee of the animal, who shall then endorse upon one copy his name, address, and the number of his license, if any, under this Act, and shall forward the same within five days to the Secretary, retaining the remaining copy as a part of the records required to be kept under this Act, and open to inspection by members of the public.

(e) Delivery for transportation, transportation, or sale of a dog or cat in commerce to a research facility, or the purchase thereof by a research facility, without a completed certificate duly filed as herein prescribed; or the making of any false statement on such certificate; shall constitute a violation of this Act; and each such transaction or false statement shall constitute a separate offense.

Mr. Chairman, I know that you will observe that this proposed change shifts the rationale of the law from reliance on marking or identifying the animal to a positive identification of the seller, the human being who asserts that he owns the animal. I respectfully submit that this appears much more practical and effective, in the light of what is currently possible. A thief naturally hesitates to provide a permanent and detailed record of his crime, through which he may be traced down, and which would supply evidence sufficient for his conviction. Once suspicion was aroused, such a certificate as that proposed here would give a definite basis for investigation, prosecution, and conviction.

It is true the paperwork will be enormous. However, since only dogs and cats are involved, the great number of animals of all types shipped to the laboratories each year, which cast doubt on the practicality of the bill originally drafted by our society, would be reduced to a small fraction, in terms of the coverage required under the bills before your committee. Moreover, the onus of paperwork would not fall on the interstate carriers; it would be, under this proposal, carried out by the dealer, and made his responsibility. Since the dealer is the interested party, and controls the circumstances of sale and shipment, intending to make a profit thereby, such a requirement does not appear unreasonable or unduly burdensome, in the light of the finding by Congress that a considerable trade in stolen animals does exist, and the legislative declaration of a policy that such criminal activity shall be ended, in interstate commerce.

At all events, the suggestion is put forward in a spirit of helpfulness, and appreciation of the interest of yourself and your committee in this subject, which is of great interest to a great number of Americans. It should go without saying that any information or assistance within the power of the National Anti-Vivisection Society is, always, at the disposal of your committee, or of any effort to improve conditions for animals or for those persons who value and respect them for the many services and gifts which, since the earliest days of mankind, they have conferred on all of us.

I realize fully that what has been suggested here is in no way at variance with the present wording of the bills before your committee. The purpose is the same;

yet I am advised that it would be preferable, and very likely crucial, to have such requirements spelled out by Congress, rather than left to the administrative regulations promulgated by the Secretary of Agriculture, if the bill became law. Certainly, a bill which included such positive language could expect a much wider and stronger popular support and acceptance among those most interested in the subject than a bill which left the details of such an important phase unspecified and open to doubt or varying interpretation. I am fully aware of the history behind H.R. 9743, and I wish to make it plain that I have nothing but respect and appreciation of the motives and purpose which led to its drafting and introduction by you. I am sure that every decent person vehemently desires, as the National Anti-Vivisection Society desires, to see the illicit and shameful trade in stolen pets utterly stamped out.

There is one further matter about which I want to be completely frank. There are now before Congress a number of what are termed "regulation bills"—bills of the type of H.R. 10050, which assertedly aim to "provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research," as their proponents describe them. It is surely unnecessary to say to you that these proposed bills trench directly on the major field of concern of the National Anti-Vivisection Society. We have studied these bills, and other bills of the same type, put forward in the past. We find excellent cause, as the largest and most active organization in our field, to take a position of absolute and unalterable opposition to these bills, and to any legislation or proposed legislation having the same rationale. The ideas involved in such bills are contrary to the fundamental objectives expressed in our charter, and we find them pernicious, quite apart from the many faults of logic and execution which render the individual drafts entirely unacceptable to any person of humane or ethical principles. In our view, based on long experience and careful study, such bills would legalize the very practices which we believe should be most strongly condemned. They would give the sanction of Government to the violation of the principles to which we are absolutely dedicated. Under the guise of offering a hope for the amelioration of the suffering of laboratory animals, these specious measures would in fact close the door to actual relief, which if they became law would never be realized in practice.

I make this point with all the emphasis I can command, because a most important issue is involved. I am fully aware of the clear wording of section 5 of H.R. 9743:

"* * * *Provided, however,* That this authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation."

Despite this language, many persons, including a great number of our members, have expressed a strong fear that an amendment or parliamentary maneuver may be used to import the language or effect of the "regulation" bills into measures, such as those presently before your committee, which are intended merely to end the traffic in stolen animals. The National Anti-Vivisection Society is in a position to know, because of the very widespread and serious opposition to them, that the "regulation" bills cannot hope for enactment in the ordinary way. However, a great many persons who adhere to our principles anticipate, and we think with reason, that the proponents of the "regulation" bills will seek to obtain the enactment of such measures by strategy, such as the expedient of screening them under the cover of otherwise entirely proper legislation, hoping thereby to disarm or confuse their opponents. In the circumstances, any bill dealing with laboratory animals is jealously scrutinized.

I hope strongly that you will find it possible to make even more plain the fact that H.R. 9743 is not in any sense or in any degree a "regulation" bill, and that you will remain vigilant against any effort to insert "regulation" provisions or policy into it, during its consideration by your committee and by Congress. Quite plainly, I do not need to say to you that such changes would alter and distort the purpose and effect of H.R. 9743, or any similar bill, and result in an active opposition to it.

Thank you for your courtesy in giving consideration to these comments and suggestions which I have been privileged to address to you. I sincerely hope that they may prove to be of value to the objectives on which the proposed legislation is founded. There are several matters, of a more or less technical nature, in H.R. 9743 and its companion bills, about which some concern has been expressed to us. However, I am certain that in the full, open, and impartial atmosphere of the hearing your committee is conducting, these points will be brought up, examined, and capably resolved in the best interests of the objectives

in view. If there is any way in which I, or the National Anti-Vivisection Society, can be of service, our best efforts can be counted on to be fully and unstintingly forthcoming. For I know that all of us look forward to the time when the purposes embodied in legislation aimed at the ending of the criminal traffic in stolen pets will meet with complete and final success.

Sincerely yours,

CLARENCE E. RICHARD,
Managing Director.

NEW YORK UNIVERSITY MEDICAL CENTER
OF NEW YORK UNIVERSITY,
New York, N.Y., September 7, 1965.

Hon. HAROLD D. COOLEY,
*Chairman, House Committee on Agriculture,
House Office Building, Washington, D.C.*

DEAR SIR: I wish to record certain objections to H.R. 9743 introduced by Congressman Resnick.

First, I would state most emphatically that neither I nor any scientist of my acquaintance condones, approves, or supports traffic in stolen dogs or cats for medical research. That an occasional stolen dog or cat may eventually be sold to a medical laboratory I can neither affirm nor deny, but if such does occur, these are extremely rare.

H.R. 9743 contains provisions which constitute discriminatory legislation against those doing research. For example, on page 1, line 3: "In order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs or cats for purposes of research and experimentation, * * *." This would appear to indicate that it would be illegal to steal dogs for purposes of research and experimentation, but not illegal to steal them for other purposes. It should be illegal to steal a dog for any purpose.

Section 3: "It shall be unlawful for any research facility to purchase or transport dogs or cats in commerce * * *." Again the research community is singled out, and transportation or commerce for any other illegal purpose is not illegal. The implication to be drawn from these examples is that the research community is responsible for stealing of dogs and cats. In spite of the multitude of wild accusations made by certain groups, very very few of these allegations have ever stood up under investigation. I would suspect that many more dogs disappear illegally by "following" a child home, or being resold as a pet. Further, one need only drive on highways or tramp the woods alongside highways to realize the eventual fate of thousands of dogs who fail to return home.

In section 10 the bill stipulates that animals shall not be sold to a research facility at public auction or by weight. The logic of these provisions is questionable. Certainly public auction is an entirely legitimate means of sale. So that as long as the dogs are legally acquired there can be no valid objection to sale at auction. The second provision regarding sale by weight is completely unrealistic. The majority of the dogs used in research are mongrels, so the research worker cannot specify the type of animal by breed. Further, different sized animals are required for different experiments. Obviously it would be extremely difficult to do heart surgery on some of our smallest breeds. The only convenient way of specifying the size animal needed is by weight, since data on the age of animals is also not available.

I hope section 14 is unconstitutional. In effect it imposes a penalty, suspension of license, before conviction.

Finally, to enforce this act adequately a very large staff will be necessary, and a staff which in many instances will duplicate activities carried on under State and city regulations. My criticism of H.R. 9743 should not be construed as opposition to improvement in the procuring of dogs for medical research. Among steps which might be suggested are:

1. A Federal law making available for medical research all unclaimed animals from pounds, which would otherwise be euthanized. Such a step would go far toward reducing the dependence of research institutions on dealers.

2. Provisions of funds to research and breeding centers to establish their own holding and breeding facilities for dogs and cats. Another approach might be the development of "canine and feline centers" analogous to the primate centers established by the NIH.

If I can be of any further help in this matter, please do not hesitate to call upon me.

Sincerely,

L. R. CHRISTENSEN, Ph. D.,
Director, Berg Institute, and Associate Professor, Pathology.

SEPTEMBER 7, 1965.

Hon. W. R. POAGE,
*Vice Chairman, House Agriculture Committee,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN POAGE: Having been present at the hearing of September 2 regarding H.R. 9743, and having heard the mainstream of opposition to this bill emanate from veterinary schools and scientific experimental societies, I, as a member of the veterinary profession, would like to present a view not in accord with my fellow professionals. I respectfully request that this letter be included in the printed record of the hearing.

It seems that the basic reason presented in the testimony for opposition to this bill centers around the idea that if this type of legislation were enacted it would necessarily curtail the supply of laboratory animals, thus forcing a price increase in dogs, thus increasing the cost of a veterinary education.

This assumption is highly speculative at best. It is altogether possible that the price of experimental animals would go down because licensing of these dealers would force more humane treatment of these animals, thus resulting in fewer animal losses to the dealer.

I am of the opinion that the stated economic opposition to this type legislation is but a respectable presentation for deeper seated opposition by the sciences to any legislation that might conceivably put some restrictions upon the present freedom of movement enjoyed by medical sciences in laboratory animal care.

I do not lightly or happily take opposition to the general attitude of my professional colleagues and the attitude of the allied medical profession. However, I believe that the time has arrived when I must voice my opinion even though I will surely be criticized by my colleagues.

It has been obvious to me through the years that the branches of medicine and veterinary medicine dealing with laboratory animals have been the voices most often heard in opposition to any humane legislation.

I am a private veterinary practitioner engaged in small animal medicine and I believe that as a practitioner, my beliefs, even though not in particular accord with this institution's beliefs, should be heard.

I believe that graphic evidence of blatant cruelty to animals by dog dealers has been presented at this hearing. Regardless of the minor consequences that might possibly be caused to scientific institutions by passing legislation such as H.R. 9743, I strongly believe that such legislation should be enacted to prevent further unnecessary cruelty to animals and also reduce the dog thievery that now prevails.

Sincerely yours,

RICHARD G. PEARCE, D.V.M., D.D.

Mr. POAGE. The committee will stand in recess.

(Whereupon, at 12 noon, the subcommittee recessed subject to the call of the Chair.)





